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ZONING ORDINANCE

FOR

CHESTERTOWN, MARYLAND

The preparation of this document was financed in part through a comprehensive planning grant from the Department of Housing and Urban Development, as administered by the Maryland Department of State Planning.

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ZONING ORDINANCE
FOR
CHESTERTOWN, MARYLAND

AN ORDINANCE passed under and by virtue of the authority of Article 66B of the Annotated Code of Maryland, 1970, as amended, to be known as Zoning Ordinance for Chestertown, Maryland.

WHEREAS Chestertown Planning Commission (reinstated on the 2nd day of December, 1974, by Ordinance of the Town of Chestertown, in compliance with Article 66B of the Annotated Code of Maryland, 1970, as amended), has made a comprehensive study of present conditions and expected growth of Chestertown and has drawn up a Comprehensive Plan for Chestertown and a Zoning Ordinance based on said Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Mayor and Council of Chestertown that pursuant to the authority conferred by said Annotated Code of Maryland, as amended, recommended Zoning Ordinance be and it is hereby adopted.

The purpose of said Zoning Ordinance as provided therein is stated as follows:

"The zoning regulations and districts as herein established have been made in accordance with a Comprehensive Plan, to promote, in accordance with present and future needs, the safety, morals, order, convenience, prosperity, and general welfare of the citizens of Chestertown, Maryland, and to provide for efficiency and economy in the process of development, for the appropriate and best use of land, for convenience of traffic and circulation of people and goods, for the appropriate use and occupancy of buildings, for healthful and convenient distribution of population, for protection against destruction of or encroachment upon historic areas, for good civic design and arrangement including the preservation and enhancement of the attractiveness of the community, and for adequate public utilities, public services and facilities, by regulating and limiting or determining the height and bulk of buildings and structures, the area of yards and other open spaces, and the density of use. They have been

made with reasonable consideration of, among other things, the existing use of property, the character of the district and its peculiar suitability for particular uses, and trends of growth or change, with a view to conserving the value of land throughout the incorporated territory of Chestertown, Maryland."

A copy of said Zoning Ordinance for the inspection of any interested parties may be seen at the Town Office of Chestertown, Maryland, on any weekday from nine o'clock a.m. to four-thirty o'clock p.m.

ADOPTED and made effective this 30th day of December, 1974

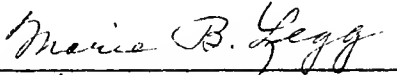
MAYOR AND COUNCIL OF CHESTERTOWN



P. M. Brooks, Jr.

MAYOR

ATTEST:



Marie B. Legg

CLERK

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CHESTERTOWN, MARYLAND

ZONING ORDINANCE

ARTICLE 1. TITLE AND APPLICABILITY

Section 1. Title

This Ordinance shall be known as the Zoning Ordinance for Chestertown, Maryland.

Section 2. Applicability

This Ordinance shall apply to the incorporated territory of Chestertown, Maryland. It is the intent of this Ordinance that the extent of its applicability be automatically changed in accordance with the provisions hereof or provision of state law which may affect the applicability of this Ordinance.

ARTICLE 2. PURPOSE

The zoning regulations and districts as herein established have been made in accordance with a Comprehensive Plan, to promote, in accordance with present and future needs, the safety, morals, order, convenience, prosperity, and general welfare of the citizens of Chestertown, Maryland, and to provide for efficiency and economy in the process of development, for the appropriate and best use of land, for convenience of traffic and circulation of people and goods, for the appropriate use and occupancy of buildings, for healthful and convenient distribution of population, for protection against destruction of or encroachment upon historic areas, for good civic design and arrangement including the preservation and enhancement of the attractiveness of the community, and for adequate public utilities, public services and facilities, by regulating and limiting or determining the height and bulk of buildings and structures, the area of yards and other open spaces, and the density of use. They have been made with reasonable consideration of, among other things, the existing use of property, the character of the district and its peculiar suitability for particular uses, and trends of growth or change, with a view to conserving the value of land and buildings and encouraging the most appropriate use of land throughout the incorporated territory of Chestertown, Maryland.

ARTICLE 3. DISTRICTS AND DISTRICT MAP

Section 1. Establishment of Districts.

In order to regulate and restrict the location and use of buildings and land for trade, industry, residence, and other purposes, and to regulate and restrict the location, height, and size of buildings hereafter erected or structurally altered, the size of yards and other open spaces, and the density of population, the following zoning districts are hereby established:

Residential Districts

- R-1 Single-Family Residential District
- R-2 Single-Family Residential District
- R-3 Two-Family Residential District
- R-4 Multiple-Family Residential District
- R-5 Multiple-Family Residential District

Business and Commercial Districts

- B-1 Neighborhood Business District
- C-1 General Commercial District
- C-2 Central Commercial District
- CM Commercial Marine District
- R-B Residential-Office District

Industrial Districts

- LI-1 Limited Industrial District
- LI-2 Light Industrial District
- FP Flood Plain

Section 2. Reference to District Names

For the purpose of reference hereafter in this Ordinance, unless specifically provided to the contrary, the term "Residential District" shall include all Single-Family and Multiple-Family Districts; the term "Commercial District" shall include all Commercial and Business Districts; and the term "Industrial District" shall include all the Industrial Districts.

Section 3. Establishment of District Map.

The district classification of the territory within the incorporated town of Chestertown shall be as shown on the map designated as the "Zoning District Map, Chestertown, Maryland", dated, signed by the Mayor, and attested by the Town Clerk upon adoption. This Zoning District Map, and all notations, dimensions, references, and symbols shown thereon pertaining to such districts, shall be as much as a part of this Ordinance as if fully described herein and shall be

filed as part of this Ordinance by the Town Clerk. Said Map shall be available for public inspection in the office of the Town Clerk. Such map shall be marked "Original Copy, not to be altered or removed from the office of the Town Clerk except on Court Subpoena".

This Map, together with subsequent applicable amendments, shall be conclusive as to the current zoning status of land.

Section 4. Annual Revision of District Map.

No later than March 31 of the year following adoption of this Ordinance, prints of the Zoning District Map, clearly showing the zoning district boundaries and zoning district names and designations for the incorporated town of Chestertown, shall be made available to the public. In each calendar year thereafter, if there have been any changes in the permitted uses, zoning district boundaries, zoning regulations, or district classifications during the preceding calendar year, such Map shall be revised no later than March 31, reflecting all such changes as of December 31 of the preceding year.

Any person desiring a copy of said Zoning Text or Zoning District Map shall pay a fee for each copy thereof to the appropriate town official. Such fees shall be applied to defray the cost of revising and printing of the Zoning District Map.

Section 5. Informational Copies of District Map.

Informational copies of the Zoning District Map shall be made available for inspection at the office of the Planning Commission, Administrator, and at such other locations as may be necessary or convenient. These maps shall be revised, as described above, to show changes in zoning district boundaries as officially approved. New streets, highways, subdivisions, major governmental installations, public lands, and other major features shall be shown.

Drafting errors or omissions may be corrected, but no changes in zoning district boundaries may be made except to show amendments properly adopted by the Mayor and Council.

Section 6. Periodic Review

At least once every five years, the Planning Commission shall review the zoning regulations and the Zoning District Map to determine whether it is advisable to amend the regulations or the Map, or both, to bring them in accord with the objectives of the Comprehensive Plan of the Town, to take advantage of new techniques or to encourage improved building practices which may have been developed and which may have application in Chestertown, to correct deficiencies or difficulties which may have developed in administration, or for such other reasons as the Commission may determine. The Commission shall submit reports on their findings to the Mayor and Council. In the preparation of these reports, the Commission shall consult with officials in the Town responsible for development of the Comprehensive Plan and the administration of this Ordinance, and such other persons as they believe may contribute to the review.

Section 7. Interpretation of District Boundaries

1. A district name or letter-number combination shown on the Zoning District Map indicates that the regulations pertaining to the district designated by that name or letter-number combination extend throughout the whole area in the Town bounded by the district boundary lines within which such name or letter-number combination is shown or indicated, except as otherwise provided by this section.
2. Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning District Map accompanying and made a part of these regulations, the following rules shall apply:
 - (a) In cases where a boundary line is given a position within a street or alley, easement, canal, navigable or non-navigable stream, it shall be deemed to be in the center of the right-of-way of the street, alley, easement, canal, or stream, and if the actual location of such street, alley,

easement, canal, or stream varies slightly from the location as shown on the Zoning District Map, then the actual location shall control.

- (b) In cases where a boundary line is shown as being located a specific distance from a street line or other physical feature, this distance shall control.
- (c) Where the district boundaries as shown on the Zoning District Map approximately coincide with lot lines, the lot lines shall be construed to be the district boundary line unless otherwise indicated.
- (d) In cases where district boundaries as shown on the Zoning District Map do not coincide or approximately coincide with street lines, alley lines, or lot lines, and no dimensions are shown, the location of such district boundary lines shall be determined by the use of the scale appearing on the Map.

Section 8. Regulation of Areas Under Water.

All areas within the limits of the incorporated town of Chestertown which are under water are considered to be within a zoning district and controlled by applicable district regulations. District boundaries over water areas are located by noted or scaled dimensions, by relation to physical features, by coincidence with the town boundary, or by a straight line projection of the district boundaries as indicated on the Zoning District Map. Straight line district boundaries over water areas shall be assumed to continue as straight lines until they intersect with each other or with the town boundary.

ARTICLE 4. GENERAL PROVISIONS

Section 1. Compliance With Regulations.

No building or land shall hereafter be used, and no building or part thereof shall be erected, reconstructed, converted, enlarged, moved, or structurally altered, unless in conformity with the regulations as set forth in this Ordinance.

Section 2. Location on a Lot Required.

Every building hereafter erected, reconstructed, converted, moved, or structurally altered shall be located on a lot of record, and in no case shall there be more than one main building on one lot unless otherwise provided for in this Ordinance.

Section 3. Encroachment; Reduction of Lot Area.

The minimum yards, height limits, parking space, and open spaces, including lot area per family, required by this Ordinance for each and every building existing at the time of the passage of these regulations or for any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, except as hereinafter provided, nor shall any lot area or lot dimension be reduced below the requirements of these regulations.

Section 4. Accessory Buildings; Prior Construction.

No accessory building shall be constructed upon a lot for more than six months prior to beginning construction of the main building. No accessory building shall be used for more than six months unless the main building on the lot is also being used or unless the main building is under construction.

Section 5. Uses Not Permitted Are Prohibited.

For the purpose of this Ordinance, permitted uses are listed for the various districts. Unless the contrary is clear from the context of the lists or other regulations of this Ordinance, uses not specifically listed are prohibited.

Section 6. Tables Are Part of This Ordinance.

Height, area, and bulk regulations applicable to each district are contained in a chart or table in Article 5. The table, and all of the notations and requirements which are shown in it or which accompany it,

shall be a part of these regulations and have the same force and effect as if all of the notions and requirements were fully set forth or described herein. In general, the regulations applicable to a particular district are contained in the table to the right of the district name and between the same sets of horizontal lines which include the district name. Regulations which apply to more than one district are indicated by extension across horizontal lines.

The regulations contained in the table are supplemented or modified by regulations contained in other articles of these regulations.

Section 7. Certain Regulations Not Reproduced Herein.

Whenever reference is made in this Ordinance to any other ordinance, chart, table, schedule, or regulation which itself is not copied herein, a copy of such ordinance, chart, table, schedule, or regulation shall be kept on file in the office of the Administrator and available for inspection and reference.

Section 8. Compliance With Historic Area Regulations.

Nothing contained in this Ordinance shall be construed as relieving any person, firm, or corporation from compliance with the provisions of Article 21.3, Code of Ordinance of Chestertown, entitled "Establishment of Historic Area Zoning for Chestertown", adopted by the Mayor and Council of Chestertown on December 16, 1964, and subsequently readopted as part of this update December 2, 1974, for any building or structure which shall be constructed, reconstructed, altered, repaired, moved, or demolished within the area designated as "Old Chestertown", and which shall be subject to review and approval of such construction, reconstruction, alteration, repair, move or demolition under the provisions of Article 21.3. The area designated as "Old Chestertown" under the provision of Article 21.3; but excluding certain buildings on the grounds of Washington College, is shown on the Zoning District Map and is hereby incorporated into and made part of this Ordinance.

Section 9. Compliance with Sediment Control Ordinance
of Chestertown

Nothing contained in this Ordinance shall be construed as relieving any person, firm, or corporation from compliance with the provisions of the Chestertown Sediment Control Ordinance, Article 30 of the Town Ordinance for Chestertown.

Section 10. Certain Nonconforming Uses
See Article 11, Section 10.

ARTICLE 5. DISTRICT REGULATIONS

Section 1. R-1 Single-Family Residential District

1.1 Purpose of the District

The purpose of this district is to provide for low-density residential development and such accessory uses as may be necessary or are normally compatible with residential surroundings. The district is located to protect existing development of this character and contains vacant land considered appropriate for such development in the future.

1.2 Permitted Uses

A building or land shall be used only for the following purposes:

1. Detached single-family dwellings.
2. Nurseries for growing or propagation of plants, trees or shrubs, farms, truck gardens, orchards, including temporary stands for seasonal sales of products raised on the premises, but not including the raising for sale of poultry, birds, bees, rabbits, or other animals, fish, or other creatures, provided that such uses are not objectionable to surrounding residences by reason of odor, dust, noise, or other factors, and provided that no retail or wholesale business office or store is permanently maintained on the premises.

1.3 Permitted Accessory Uses

1. Accessory uses as follows on a farm of twenty-five acres or more:
 - (a) Accessory structures for sale or processing of farm products raised on the premises.
 - (b) Accessory open or enclosed storage of farm materials, products, or equipment.

- (c) Accessory farm buildings, including barns, stables, tool rooms, shops, bins, sheds, tanks, and silos.
 - (d) Dwellings for persons permanently employed on the premises.
- 2. Boat docks and boat houses. (See Article 9)
 - 3. Utility buildings shall be permitted as accessory structure in the side or back yards.
 - 4. Garage, private.
 - 5. Home occupations
 - 6. Keeping of small animals, insects, reptiles, fish, or birds (not poultry), but only for personal enjoyment or household use and not as a business.
 - 7. Not more than two (2) boats or travel trailers (or one of each) may be stored or constructed on a residential lot. Storage or construction shall not be in the front yard.
 - 8. Swimming pools and game courts, lighted or unlighted, for use of occupants and their guests.
 - 9. Accessory off-street parking, open or enclosed space, for one commercial vehicle of not more than one ton capacity and used by the occupant of a dwelling shall be permitted as accessory.

1.4 Permitted Signs

Subject to the general sign regulations of Article 6, and consisting of accessory non-illuminated or indirectly illuminated signs, with a maximum height of five (5) feet, as follows:

- 1. A name plate, limited in area to two square feet, to identify the owner or occupant of a dwelling or building.

2. A private directional sign, limited in area to two square feet.
3. No trespassing or no hunting signs, without limitations on number or placement, limited in area to two square feet.
4. A sign, limited in area to two square feet, for identification of a permitted home occupation.
5. A sign for farms limited in area to 20 square feet, advertising products raised on the premises.
6. A sign, limited in area to 20 square feet, for identification of an estate or a subdivision.
7. A customary church bulletin board, limited in area to 20 square feet.
8. A sign, limited in area to 20 square feet, for identification of permitted public and semi-public uses, recreational uses, or clubs.
9. A temporary, non-illuminated sign, limited in area to six square feet, advertising real estate for sale or lease or announcing contemplated improvements of real estate on which it is placed.
10. A temporary sign, erected in connection with new construction work and displayed on the premises only during such time as the actual construction work is in progress.
11. Temporary signs at appropriate locations, on or off the premises, for directing the traveling public, limited in area to six square feet and subject to approval of location, design, and wording by the Administrator. This permitted sign is not intended as an ordinary advertising device.

1.5 Height, Area, and Bulk Requirements

Requirements for minimum lot area, yards, and open space, and maximum height are contained in the Table of District Regulations at the end of this article.

1.6 Conditional Uses in the R-1 Residential District

The following uses are permitted as Conditional Uses, according to the regulation of Article 9, Section 3.

1. Churches, rectories, parish houses, convents and monasteries, temples, and synagogues, provided that churches, temples, or synagogues erected after the date of passage of this Ordinance shall have their principal means of access from a major street.
2. Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges, and similar activities operated as a business, but including a building for a golf shop, locker room, and snack bar as an accessory use to a permitted golf course, provided that no such building is located closer than 100 feet to adjoining property lines. Practice greens and tees may accompany a standard nine-hole or eighteen-hole golf course occupying at least 75 acres.
3. Recreational uses such as tennis courts, swimming pools, and other similar activities operated exclusively for the use of private membership and not for commercial purposes, provided that no such use, structure, or accessory use, or parking lot, is located closer than 50 feet to any adjoining property line unless such property line fronts a public street or waterway with rights-of-way not less than 25 feet, in which instance the required setback need not exceed 25 feet, and provided further that all such facilities must be located on a site having a minimum of two acres.

1.7 Reference to Additional Regulations

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this Ordinance, especially the following:

- Article 7, Off-Street Parking Regulations
- Article 8, Off-Street Loading Regulations
- Article 10, Supplementary Height, Area, and Bulk Regulations
- Article 12, The Board of Appeals, Exceptions and Variances. Definitions are contained in Article 13.

Section 2. R-2 Single-Family Residential District

2.1 Purpose of the District

The purpose of this district is to provide for single-family residential development on smaller lots, together with such accessory uses as may be necessary or are normally compatible with residential surroundings. The district is located to include existing development of this character and contains vacant land considered appropriate for such development in the future.

2.2 Permitted Uses

A building or land shall be used only for the following purposes:

- 1. Any use permitted in the R-1 Single-Family Residential District.

2.3 Permitted Accessory Uses

- 1. Any accessory use permitted in the R-1 Single-Family Residential District.

2.4 Permitted Signs

Subject to the general sign regulations of Article 6 and consisting of accessory non-illuminated or indirectly illuminated signs as follows:

- 1. Any sign permitted in the R-1 Single-Family Residential District.

2.5 Height, Area, and Bulk Requirements

Requirements for minimum lot area, yards, and open space and maximum height are contained in the Table of District Regulations at the end of this article.

2.6 Reference to Additional Regulations

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this Ordinance, especially the following:

- Article 7, Off-Street Parking Regulations
- Article 8, Off-Street Loading Regulations
- Article 10, Supplementary Height, Area, and Bulk Regulations
- Article 12, Board of Appeals, Exceptions and Variances. Definitions are contained in Article 13.

Section 3. R-3 Two-Family Residential District

3.1 Purpose of the District

The purpose of this district is to provide for two-family dwelling developments or for two-family dwellings mixed with single-family dwellings, together with those accessory uses as may be necessary or are normally compatible with residential surroundings. The district is located to include existing development of this character and contains structures presently in single-family dwelling use which are appropriate for conversion to two-family or other use as permitted in this district. Population density and height of buildings are low enough to be compatible with adjoining areas of single-family residential development.

3.2 Permitted Uses

A building or land shall be used only for the following purposes:

1. Any use permitted in the R-1 Single-Family Residential District.
2. Two-family dwellings, subject to the special regulations of Article 10.

3.3 Permitted Accessory Uses

1. Any accessory use permitted in the R-1 Single-Family Residential District.

3.4 Permitted Signs

Subject to the general sign regulations of Article 6 and consisting of accessory non-illuminated or indirectly illuminated signs as follows:

1. Any sign permitted in the R-1 Single-Family Residential District.

3.5 Height, Area, and Bulk Requirements

Requirements for minimum lot area, yards, and open space, and maximum height are contained in the Table of District Regulations at the end of this article.

3.6 Reference to Additional Regulations

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this Ordinance, especially the following:

- Article 7, Off-Street Parking Regulations
- Article 8, Off-Street Loading Regulations
- Article 10, Supplementary Height, Area, and Bulk Regulations
- Article 12, The Board of Appeals, Exceptions and Variances. Definitions are contained in Article 13.

Section 4. R-4 Multiple-Family Residential District

4.1 Purpose of the District

The purpose of this district is to encourage variety in housing types and to provide for residential densities as might be appropriate for relatively spacious garden apartment developments in areas appropriately located for such use, which are well-located with respect to major thoroughfares, shopping facilities, and centers of employment. Population density and height of buildings are low enough to be generally compatible with single-family residential development in the same general neighborhood.

4.2 Permitted Uses

A building or land shall be used only for the following purposes:

1. Any use permitted in the R-1 Single-Family Residential District.
2. Two-family dwellings, subject to the special regulations of Article 10.
3. Town houses, subject to the special regulations of Article 10.
4. Multiple-family dwellings.

4.3 Permitted Accessory Uses

1. Any accessory use permitted in the R-1 Single-Family Residential District.
2. An office for administration of a multiple-family development, located in a main building containing 10 or more dwelling units.
3. A laundry room for use of occupants of a multiple-family dwelling development.
4. Accessory off-street parking, open or enclosed space, for one commercial vehicle of not more than one ton capacity and used by the occupant of a dwelling shall be permitted as accessory.

4.4 Permitted Signs

Subject to the general sign regulations of Article 6, and consisting of accessory non-illuminated or indirectly illuminated signs as follows:

1. Any sign permitted in the R-1 Single-Family Residential District.
2. A sign, limited in area to 10 square feet, giving the name and/or address of the owner or management of a multiple-family dwelling or group of multiple-family dwellings.

4.5 Height, Area, and Bulk Requirements

Requirements for minimum lot area, yards, and open space, and maximum height are contained in the Table of District Regulations at the end of this article.

4.6 Reference to Additional Regulations

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this Ordinance, especially the following:

- Article 7, Off-Street Parking Regulations
- Article 8, Off-Street Loading Regulations
- Article 10, Supplementary Height, Area, and Bulk Regulations
- Article 12, The Board of Appeals, Exceptions and Variances. Definitions are contained in Article 13.

Section 5. R-5 Multiple Family Residential District

5.1 Purpose of the District

The purpose of this district is to provide for multiple-family dwellings in a wide variety of housing types, ranging from large single-family dwelling structures suitable for conversion to multiple-family occupancy, to garden apartment and town house developments of recent construction, and including multiple-family dwellings mixed with single-family dwellings. The district is located to include existing development of this character in areas surrounding the Central Business District, and is in close proximity to major thoroughfares, shopping facilities, and places of employment. The district includes areas containing buildings and structures of historical and architectural significance to the community. Permitted community facilities are the same as for the single-family residential districts.

5.2 Permitted Uses

A building or land shall be used only for the following purposes:

1. Any use permitted in the R-1 Single-Family Residential District.
2. Two-family dwellings, subject to the special regulations of Article 10.

3. Town houses, subject to the special regulations of Article 10.

4. Multiple-family dwellings.

5.3 Permitted Accessory Uses

1. Any accessory use permitted in R-1 Single-Family Residential District.
2. An office for administration of a multiple-family development, located in a main building containing 10 or more dwelling units.
3. A laundry room for use of occupants of a multiple-family dwellings development.
4. Accessory off-street parking, open or enclosed space, for one commercial vehicle of not more than one ton capacity and used by the occupant of a dwelling shall be permitted as accessory.

5.4 Permitted Signs

Subject to the general sign regulations of Article 6, and consisting of accessory non-illuminated or indirectly illuminated signs as follows:

1. Any sign permitted in the R-1 Single-Family Residential District.
2. A sign, limited in area to 10 square feet, giving the name and/or address of the owner or management of a multiple-family dwelling or group of multiple-family dwellings.

5.5 Height, Area, and Bulk Requirements

Requirements for minimum lot area, yards, and open space, and maximum height are contained in the Table of District Regulations at the end of this article.

5.6 Reference to Additional Regulations

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this Ordinance, especially the following:

Article 7, Off-Street Parking Regulations
Article 8, Off-Street Loading Regulations
Article 10, Supplementary Height, Area, and Bulk Regulations
Article 12, The Board of Appeals, Exceptions and Variances. Definitions are contained in Article 13.

Section 6. RB Professional Office District

6.1 Purpose of the District

The purpose of this district is to permit professional and business office buildings of high character in attractive surroundings, with types of uses and exterior indication of those uses so controlled as to be generally compatible with single-family and multiple-family dwellings located within or adjacent to the district. The district is generally located close to the Central Business District, and the residential alternatives to office uses within the district are those permitted in the multiple-family residential districts.

6.2 Permitted Uses

A building or land shall be used only for the following purposes:

1. Any use permitted in the R-5 Multiple-Family Residential District.
2. Professional and business offices, and office buildings, and studios for artists, photographers, teachers, sculptors, and musicians, including instruction in art, music, and dancing, provided that:
 - (a) No building to be used or constructed for any such purpose shall be constructed with, or altered to produce, a store front, show window, or display window, or indicate any other evidence of commercial character, with the exception of such signs as may be permitted for such use.

- (b) There shall be no commercial display from windows and doors, and there shall be no storage of merchandise for sale in the building or on the premises.
 - (c) There shall be no machinery or equipment, other than machinery or equipment which is customarily accessory to the permitted use, used or stored in the building or on the premises.
 - (d) There shall be created no adverse affect on adjacent or neighborhood properties by reason of dust, odor, vibration, glare, or noise.
- 3. Clinics, including a pharmacist's shop for dispensing of drugs or supplies primarily to patients or occupants of the building, provided that there shall be no entrance to such shop except from inside the building.
 - 4. Undertaking businesses or establishments and funeral homes, provided that all accessory vehicles and equipment shall be housed in a completely enclosed building when not in use.

6.3 Permitted Accessory Uses

Any accessory use permitted in the R-5 Multiple-Family Residential District.

6.4 Permitted Signs

Subject to the general sign regulations of Article 6, and consisting of accessory non-illuminated or indirectly illuminated signs as follows:

- 1. Any sign permitted in the R-5 Multiple-Family Residential District.
- 2. Flat signs, limited in area to one square foot for each sign, one sign for each business occupying the premises, with an aggregate sign area of not greater than one and one-half square feet for every two businesses where there are three or more businesses occupying the premises.

6.5 Height, Area, and Bulk Requirements
Requirements for minimum lot area, yards, and open space, and maximum height are contained in the Table of District Regulations at the end of this article.

6.6 Reference to Additional Regulations
The regulations contained in this article are supplemented or modified by regulations contained in other articles of this Ordinance, especially the following:

Article 7, Off-Street Parking Regulations
Article 8, Off-Street Loading Regulations
Article 9, Conditional Uses
Article 10, Supplementary Height, Area, and Bulk Regulations
Article 12, The Board of Appeals, Exceptions and Variances.

Definitions are contained in Article 13.

Section 7. B-1 Neighborhood Business District

7.1 Purpose of the District

The purpose of this district is to provide primarily for retail shopping and personal service uses, to be developed either as a unit or in individual parcels, to serve the needs of a relatively small residential area. To enhance the general character of the district and its compatibility with its residential surroundings, signs are limited to those accessory to businesses conducted on the premises, and the number, area, and types of signs are limited.

7.2 Permitted Uses

A building or land shall be used only for the following purposes:

1. Any use permitted in the R-2 Single-Family Residential District.
2. Barber shops and beauty parlors.
3. Delicatessen businesses, with accessory catering service.
4. Food stores of 5000 square feet or less.

5. Laundromats and self-service dry-cleaning establishments.

7.3 Permitted Accessory Uses

1. Any accessory use permitted in the R-2 Single-Family Residential District.
2. Automatic ice distribution stations or other drive-in automatic vending machine stations. Groups of vending machines shall be contained in a completely enclosed building.
3. Automobile parking lots and garages, but not used car lots or other lots used for automobile sale or storage.
4. Gas pumps, so long as bulk storage of inflammable liquids is underground.

7.4 Permitted Signs

Subject to the general sign regulations of Article 6 and consisting of non-illuminated or indirectly illuminated accessory signs as follows:

1. Flat signs, with an area equal to 1 square foot of sign for 1 lineal foot of store frontage, but not to exceed 40 square feet for each commercial establishment fronting on a street.
2. Temporary, non-illuminated paper signs in show windows for a period not to exceed twenty (20) days.
3. Directional signs, limited in area to two square feet, giving directions to motorists regarding the location of parking areas and access drives, shall be permitted as accessory signs and not included in any computation of sign area.

7.5 Height, Area, and Bulk Regulations

Requirements for minimum lot area, yards, and open space, and maximum height are contained in the Table of District Regulations at the end of this article.

7.6 Reference to Additional Regulations

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this Ordinance, especially the following:

- Article 7, Off-Street Parking Regulations
- Article 8, Off-Street Loading Regulations
- Article 9, Conditional Uses
- Article 10, Supplementary Height, Area and Bulk Regulations
- Article 12, The Board of Appeals, Exceptions and Variances
- Definitions are contained in Article 13.

Section 8. C-1 General Commercial District

8.1 Purpose of the District

The purpose of this district is to provide sufficient space in appropriate locations for a wide variety of commercial and miscellaneous service activities, generally serving a wide area and located particularly along certain existing major thoroughfares where a general mixture of commercial and service activity now exists, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or the nuisance factors of dust, odor, and noise associated with manufacturing.

8.2 Permitted Uses

A building or land shall be used only for the following purposes.

1. Any use permitted in the B-1 Neighborhood Business District, except residential uses.
2. Amusement places and theaters, except open-air drive-in theaters. Amusement places include bowling alleys, dance halls subject to applicable town regulations, skating rinks, swimming pools, miniature golf course, billiard or pool parlors, indoor model racing tracks, and similar activities.
3. Automobile and truck sales, service, and repair, but not auto salvage, or junk, and provided that any major repair or storage of equipment, materials, or damaged vehicles shall

be inside a completely enclosed building, or enclosed by a masonry wall screening fence or hedge, not less than six feet in height and subject to approval by Planning Commission.

4. Bakeries occupying not more than 5,000 square feet of floor area.
5. Bottling works, dyeing and cleaning works or laundries, plumbing and heating shops, painting shops, upholstering shops not involving furniture manufacture, tin smithing shops, tire sales and service (including vulcanizing and recapping but no manufacturing), appliance repairs, and general service and repair establishments similar in character to those listed in this item, provided that no outside storage of materials permitted in this item shall occupy more than 6,000 square feet of floor area.
6. Boat and boat trailer sales and storage, but not marianas.
7. Farm implement sales service, rental, and repair, but not salvage or junk, and provided that major repair or storage of materials or damaged or unuseable implements or vehicles shall be inside a completely enclosed building. (See Special Regulation, Article 5, Section 14)
8. Garages, parking and storage.
9. Hotels, motels, and motor lodges.
10. Lawnmowers and yard and garden equipment, sales, service, rental and repair.
11. Lumber and building materials stores, retail only.
12. Material storage yards, in connection with a permitted use where storage is incidental to the approved occupancy of the building, provided that all products and materials used or stored are in a completely enclosed building, or enclosed by a masonry wall, screening, fence, or hedge not less than six feet in height.

Storage of all materials and equipment shall not exceed the height of the wall, and subject to the approval of the Planning Commission. Storage of cars and trucks used in connection with the permitted trade or business is permitted within the walls or screen. Storage of heavy equipment, such as road-building or excavating equipment, shall not be permitted.

13. Monument sales establishments with incidental processing to order, but not including the shaping of headstones.
14. Printing, publishing, and engraving establishments.
15. Radio and television stations and studios and recording studios, but not towers more than
- 125 feet in height except as provided in Article 12.
16. Schools for industrial training, trade, or business.
17. Food stores, supermarkets.
18. Used car sales and storage lots, but only as an accessory use to an authorized new car sales.
19. Wholesale establishments with not more than 2,500 square feet of accessory storage per establishment.
20. Data processing centers.
21. Automatic ice distribution stations or other drive-in automatic vending machine stations. Groups of vending machines shall be contained in a completely enclosed building.
22. Automobile parking lots and garages, but not used car lots or other lots used for automobile sale or storage.
23. Banks, drive-in or otherwise, so long as driveway space shall be provided off the street for at least five (5) vehicles waiting for drive-in service.

24. Bakeries occupying no more than 2,500 square feet of floor area and provided that all products produced on the premises shall be sold at retail on the premises.
25. Barber shops and beauty parlors.
26. Bicycle sales and repair shops.
27. Catering and delicatessen businesses.
28. Clinics.
29. Dry-cleaning and pressing pickup stations or shops occupying not more than 2,500 square feet of floor area and using no cleaning fluid whose base is petroleum or one of its derivatives.
30. Filling stations, so long as bulk storage of inflammable liquids is underground.
31. Flower shops, and green houses incidental thereto.
32. Frozen food lockers for individual or family use.
33. Laundromats and self-service dry-cleaning establishments.
34. Laundries occupying not more than 2,500 square feet of floor area.
35. Laundry and dry-cleaning establishments (combined operation) occupying not more than 5,000 square feet of floor area and using no cleaning fluid whose base is petroleum or one of its derivatives.
36. Offices, general business and professional.
37. Private clubs, lodges, and meeting halls.
38. Restaurants, drive-in or otherwise.
39. Shoe repairing shops occupying not more than 2,500 square feet of floor area.
40. Shops for the sale, service, or repair of home

appliances, office machines, electrical equipment, and television and radio equipment, and occupying not more than 2,500 square feet of floor area.

41. Stores and shops for the conduct of retail business, including sale of accessories, antiques, apparel, appliances, beverages, books, carpets, drugs, fabrics, food, furniture, general merchandise, hardware, garden supplies, hobby supplies, jewelry, office supplies, paint, sporting goods, and stationery, and similar stores and shops.
42. Studios for artists, photographers, teachers, sculptors, and musicians.

8.3 Permitted Accessory Uses

1. Storage of office supplies or merchandise normally carried in stock in connection with a permitted office, business, or commercial use, subject to applicable district regulations.

8.4 Permitted Signs

Subject to the general sign regulations of Article 6 and consisting of non-illuminated or indirectly illuminated accessory signs as follows:

1. Flat signs, with an area equal to 1.5 square feet of sign per 1 lineal foot of store frontage, but not to exceed 60 square feet for each commercial establishment fronting on a street.
2. Detached signs, limited in area to 30 square feet and limited in height to 25 feet; maximum one (1) detached sign per lot. A group of three or more contiguous stores, such as form a shopping center, shall combine permitted detached sign area to provide a single detached sign advertising the group, and if the combined area does not exceed 100 square feet.
3. Temporary, non-illuminated paper signs in show windows for a period not to exceed twenty (20) days.

4. Directional signs, limited in area to two square feet, giving directions to motorists regarding the location of parking areas and access drives, shall be permitted as accessory signs and not included in any computation of sign area.

8.5 Height, Area, and Bulk Requirements

Requirements for minimum lot area, yards, and open space, and maximum height are contained in the Table of District Regulations at the end of this article.

8.6 Reference to Additional Regulations

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this Ordinance, especially the following:

- Article 7, Off-Street Parking Regulations
- Article 8, Off-Street Loading Regulations
- Article 9, Conditional Uses
- Article 10, Supplementary Height, Area, and Bulk Regulations
- Article 12, The Board of Appeals, Exceptions and Variances
- Definitions are contained in Article 13.

Section 9. C-2 Central Commercial District

9.1 Purpose of the District

The purpose of this district is to encompass the retail, service, and office core of the Central Business District, permitting a wide variety of uses providing basic goods and service to the community and to the surrounding region. General manufacturing, warehousing, and other uses which tend to generate heavy truck traffic and require open storage of materials or equipment are prohibited. In recognition of the "downtown" character of the district, yard regulations are kept to a minimum, in order to encourage compact and efficient commercial development.

9.2 Permitted Uses

A building or land shall be used only for the following purposes:

1. Any use permitted in the B-1 Neighborhood Business District, except residential uses.
2. Theaters.

3. Bakeries occupying not more than 5,000 square feet of floor area.
4. Garages, parking and storage.
5. Hotels, motels, and motor lodges.
6. Banks.
7. Clinics.
8. Dry-cleaning and pressing pickup stations or shops occupying not more than 2,500 square feet of floor area and using no cleaning fluid whose base is petroleum or one of its derivatives.
9. Flower shops, and green houses incidental thereto.
10. Frozen food lockers for individual or family use.
11. Offices, general business and professional.
12. Private clubs, lodges, and meeting halls.
13. Restaurants.
14. Shoe repairing shops occupying not more than 2,500 square feet of floor area.
15. Shops for the sale, service, or repair of home appliances, office machines, electrical equipment, and television and radio equipment, and occupying not more than 2,500 square feet of floor area.
16. Stores and shops for the conduct of retail business, including sale of accessories, antiques, apparel, appliances, beverages, books, carpets, drugs, fabrics, furniture, general merchandise, hardware, garden supplies, hobby supplies, jewelry, office supplies, paint, sporting goods, and stationery, and similar stores and shops.

17. Undertaking businesses or establishments and funeral homes.
18. Studios for artists, photographers, teachers, sculptors, and musicians.
19. Lawnmowers and yard and garden equipment, rental, sales, service, and repair.
20. Monument sales establishments with incidental processing to order, but not including the shaping of headstones.
21. Printing, publishing, and engraving establishments.
22. Radio and television stations and studios and recording studios, but not towers.
23. Wholesale establishments with not more than 2,500 square feet of accessory storage per establishment.

9.3 Permitted Accessory Uses

1. Any use permitted in the R-5 Multiple-Family Residential District, and the customary accessory use. See Article 10, Section 1.2.
2. Storage of office or merchandise normally carried in stock in connection with a permitted office, business, or commercial use, subject to applicable district regulations.
3. Automobile parking lots, but not used car lots or other lots used for automobile sale or storage.
4. Medical and professional office space. See Article 10; Section 1.2.

9.4 Permitted Signs

Subject to the general sign regulations of Article 6 and consisting of non-illuminated or indirectly illuminated accessory signs as follows:

1. Flat signs, with an area equal to 1 square foot of sign for 1 lineal foot of store frontage, but not to exceed 40 square feet for each commercial establishment fronting on a street.

2. Temporary, non-illuminated paper signs in show windows for a period not to exceed twenty (20) days.
3. Directional signs, limited in area to two square feet, giving directions to motorists regarding the location of parking areas and access drives, shall be permitted as accessory signs and not included in the computation of any other sign area.

9.5 Height, Area, and Bulk Requirements

Requirements for minimum lot area, yards, and open space, and maximum height are contained in the Table of District Regulations at the end of this article.

9.6 Reference to Additional Regulations

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this Ordinance, especially the following:

- Article 7, Off-Street Parking Regulations
- Article 8, Off-Street Loading Regulations
- Article 9, Conditional Uses
- Article 10, Supplementary Height, Area, and Bulk Regulations
- Article 12, The Board of Appeals, Exceptions and Variances
- Definitions are contained in Article 13.

Section 10. CM Commercial Marine District

10.1 Purpose of the District

The purpose of this district is to provide for and to preserve waterfront land in appropriate locations for commercial docking, boat sales and storage, and minor repair of small boats. Marinas and yacht clubs are to be encouraged. In general, the district is intended for the less intensive commercial marine activities related to tourism, vacationers, sport fishing, and pleasure boating. Multiple-family dwellings are permitted, since the district is near the center of the town and utilities are available.

10.2 Permitted Uses

A building or land or water area shall be used only for the following purposes, in all cases subject to site

plan review procedures of Article 14 for docks, piers, bulkheads, breakwaters, or other over-water structures except private over-water piers and boat houses accessory to a dwelling:

1. Any use permitted in the R-5 Multiple-Family Residential District.
2. Boat docks, slips, piers, wharves, anchorages, and moorages for yachts and pleasure boats or for boats for hire to carry passengers or for excursions, sight-seeing, pleasure, or fishing trips.
3. Boat storage, minor repairs, and painting, including sale of boats and boat parts or accessories, and provided that any out-of-water work or storage shall be located at least twenty (20) feet from any residential district. All work areas and storages shall be screened from view; screening to be approved by the Planning Commission.
4. Boat sales or rentals, boat livery, and boats for hire, including out-of-water storage of new boats.
5. Boat and marine engine sales and display, yacht brokers, and marine insurance brokers.
6. Boat and marine motor service and minor repairs while boats are in the water.
7. Boat fuel sales, provided that above-ground storage does not exceed 2,000 gallons.
8. Hotels, motels, and motor lodges.
9. Marinas and yacht clubs.
10. Piers for fishing.
11. Retail sales and rental of boating, fishing, hunting, diving, and bathing supplies, equipment, and clothing, and fish bait.

12. Restaurants.

13. Marine or oceanographic laboratories and experimental stations.

10.3 Permitted Accessory Uses

1. Any accessory use permitted in the R-5 Multiple-Family Residential District.
2. Storage of office supplies, merchandise, or goods used in or produced by permitted business or commercial marine uses, subject to applicable district regulations.

10.4 Permitted Signs

Subject to the general sign regulations of Article 6 and consisting of non-illuminated or indirectly illuminated accessory signs as follows:

1. Flat sign, with an area equal to 1 square foot of sign for 1 lineal foot of store frontage, but not to exceed 40 square feet; plus one additional flat sign if placed on the water side of a waterfront property and oriented to be read from boats in the water.
2. Temporary, non-illuminated paper signs in show windows for a period not to exceed twenty (20) days.
3. Directional signs, limited in area to two square feet, giving directions to motorists regarding the location of parking areas and access drives, shall be permitted as accessory signs and not included in the computation of any other area.
4. Detached sign, one such sign for each commercial marina, limited in area to 30 square feet and limited in height to 15 feet.

10.5 Height, Area, and Bulk Requirements

Minimum requirements for lot area, yards, and open space, and maximum height are contained in the Table of District Regulations at the end of this article.

10.6 Reference to Additional Regulations

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this Ordinance, especially the following:

Article 7, Off-Street Parking Regulations
Article 8, Off-Street Loading Regulations
Article 9, Conditional Uses
Article 10, Supplementary Height, Area, and Bulk Regulations

Definitions are contained in Article 13.

Section 11. LI-1 Limited Industrial District

11.1 Purpose of the District

The purpose of this district is to provide sufficient space in appropriate locations for certain types of business and manufacturing, relatively free from offense, in modern landscaped buildings, to make available more attractive locations for these businesses and industries, and to provide opportunities for employment closer to places of residence with corresponding reduction of travel time from home to work. Certain commercial uses are permitted, primarily for service to employees in the district. Typical development in the district would be that which is commonly known as an "industrial park". Accessory signs of limited area and application are permitted.

11.2 Special Conditions

The uses permitted in this district shall be subject to the following special conditions:

1. All uses shall be conducted within a completely enclosed building with no open storage of
 - a) raw materials;
 - b) in process materials;
 - c) supplies, and
 - d) waste material.Finished or semi-finished products manufactured on the premises may be stored in the open, if properly screened from view by landscaping, fences, or walks, with screening approved by the Planning Commission.
2. Notwithstanding the yard regulations for the district, no part of any building, accessory structure, or sign shall be located closer

than 100 feet to any residential district boundary.

3. All main plant buildings shall be of concrete, structural steel, or masonry construction, and limited to 35 feet in height unless otherwise approved by the Board of Appeals under Article 12.
4. Adequate parking and loading space shall be provided off the street for all employees and traffic to the building, even if in excess of the minimum requirements of Article 7 and 8.
5. Loading operations shall be conducted at the side or rear of buildings. Service drives or other areas shall be provided for off-street loading, and in such a way that in the process of loading or unloading, no truck will block the passage of other vehicles on the service drive or extend into any other public or private drive or street used for traffic circulation.
6. No parking or storage of material or products shall be permitted in the required front yard.
7. The front yard shall be landscaped with trees, grass, shrubs, and pedestrian walks, and shall be maintained in a neat and attractive condition.
8. All fencing shall have a uniform and durable character and shall be properly maintained.

11.3 Permitted Uses

A building or land shall be used only for the following purposes:

1. Generally those light manufacturing uses listed below, and uses similar to those listed below which do not create any more danger to health or safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odor, heat, or glare, than that which is generally associated with light

industries of the types specifically permitted below:

- a. Manufacture and assembly of medical and dental equipment, drafting, optical, and musical instruments, watches, clocks, toys, games, and electrical or electronic apparatus.
 - b. Manufacture and assembly of boats, bolts, nuts, screws, rivets, ornamental iron products, firearms, electrical appliances, tools, dies, machinery, hardware products and sheetmetal products.
 - c. Beverage blending or bottling, manufacture of bakery products, candy, dairy products and ice-cream, but not distilling of beverages, or processing, or bulk storage of, grain or feeds for animals or poultry.
 - d. Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics, and printing and finishing of textiles and fibers into fabric goods.
 - e. Manufacture of boxes, furniture, cabinets, baskets, and other wood products of similar nature.
 - f. Compounding of cosmetics, toileteries, drugs, and pharmaceutical products.
2. Carbon paper and inked ribbon manufacture.
 3. Carpets, rugs, and mats, including cleaning.
 4. Cosmetics, toiletries, and perfumes, compounding only.
 5. Dairy operations and dairy products, ice-cream and cheese.
 6. Data processing centers.
 7. Electrical appliances and electronic apparatus, medical, optical and drafting equipment, toys, games, musical instruments, manufacture and assembly.

8. Exterminating establishment.
9. Farms and farming.
10. Filling stations, if located in a district of 50 acres or more, and limited in land area to one acre, and not including truck or trailer storage or mechanical servicing of trucks, trailers or automobiles.
11. Food products manufacture, processing and packaging of such products as candy, chewing gum, cocoa products, coffee, tea and spices, macaroni, and noodles.
12. Furniture (wood, reed, rattan, metal, and plastic).
13. Greenhouses, commercial, wholesale or rentail.
14. Heating, ventilating, cooking and refrigeration supplies and appliances.
15. Industrial vocational training schools, including the operation of internal combustion engines.
16. Knitting, weaving, printing, and finishing of textiles and fibers into fabric goods, clothing, hats and hosiery.
17. Laboratories for research, experimenting, and testing, but not for testing combustion engines or explosives.
18. Laundries and linen service.
19. Leather goods manufacture, but not including tanning operations.
20. Metal products manufacture, such products as bolts, nails, staples, needles, pins, metal containers, ornamental iron fabrication, silverware, and plated wire.
21. Nurseries for growing or propagation of plants, trees and shrubs.
22. Offices and office buildings.

23. Oleomargarine, compounding and packing only.
24. Pharmaceutical products and drugs.
25. Plating, electrolytic process.
26. Photographic processing and blueprinting establishments.
27. Plumbing supplies, manufacture, sale, and storage.
28. Printing and publishing establishments.
29. Radio and television broadcasting stations, studios, offices, and towers.
30. Railroad spur tracks.
31. Research centers.
32. Sheetmetal products, ductwork, and containers.
33. Shipping containers (corrugated board, fiber, and wire bound).
34. Sign fabrication and painting shop.
35. Tools, dies, hardware products, and firearms.
36. Trailer assembly.
37. Wholesale merchandising and storage warehouses, with floor area devoted to warehousing and handling of merchandise limited to 50,000 square feet.
38. Yarn, threads, and cordage.

11.4 Permitted Accessory Uses

1. Storage of goods used in or produced by permitted commercial and industrial uses and related activities, subject to applicable district regulations.
2. Auditoriums, lecture halls, and recreation facilities primarily for employees in the district.

3. A single-family dwelling accessory to a farm of ten acres or more.
4. Dwellings for resident watchmen and caretakers employed on the premises.

11.5 Permitted Signs

Subject to the general sign regulations of Article 6 and consisting of non-illuminated or indirectly illuminated accessory signs as follows:

1. Flat signs, limited in area to 100 square feet, one for each industry.
2. A detached sign, limited in area to 100 square feet and limited in height to five (5) feet.
3. Directional signs of any type, limited in area to ten square feet, in such number and in such locations as required for proper management of the premises. Such signs shall not be included in any computation of sign area.

11.6 Height, Area, and Bulk Requirements

Requirements for minimum lot area, yards, and open space, and maximum height are contained in the Table of District Regulations at the end of this article.

11.7 Reference to Additional Regulations

The regulations contained in this Article are supplemented or modified by regulations contained in other articles of this Ordinance, especially the following:

- Article 7, Off-Street Parking Regulations
- Article 8, Off-Street Loading Regulations
- Article 9, Conditional Uses
- Article 10, Supplementary Height, Area, and Bulk Regulations
- Article 12, The Board of Appeals, Exceptions and Variances
- Definitions are contained in Article 13.

Section 12. LI-2 Light Industrial District

12.1 Purpose of the District

The purpose of this district is to provide for a wide variety of light manufacturing, fabricating,

processing, wholesale distributing, and warehousing uses appropriately located for access by major thoroughfares or railroads. Commercial uses and open storage of materials are permitted but new residential development is excluded.

12.2 Permitted Uses

A building or land shall be used only for the following purposes:

1. General light industrial, warehousing, and storage uses, including certain open or enclosed storage of products, materials, and vehicles, and including the following uses and any similar uses which are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences than the minimum amount normally resulting from other uses listed. Such listed uses are, generally wholesale establishments, service industries, and light industries that manufacture, process, store, and distribute goods and materials, and are in general dependent on raw materials refined elsewhere for treatment, as specified of the following products or similar products:
 - a. Building materials (cement, lime in bags and containers, sand, gravel, stone, lumber, structural and reinforcing steel, pipe, and the like) storage and sales, open or enclosed, but not manufacture or steel fabricating or junk storage.
 - b. Concrete products, and central mixing and proportioning plants.
 - c. Contractor's shop, storage yard, and equipment rental.
 - d. Grain blending and packaging, but not milling.
 - e. Ice manufacture, including dry ice.
 - f. Insecticides, fungicides, disinfectants, and related industrial and household chemicals elements, blending only.

- g. Petroleum storage, combined total capacity of all tanks not exceeding 36,000 gallons. Capacity may be increased with the specific approval of the Board of Appeals.

12.3 Permitted Accessory Uses

1. Storage of goods or materials used in or produced by permitted commercial and industrial uses and related activities, subject to applicable district regulations.
2. A single-family dwelling accessory to a farm of ten acres or more.
3. Dwellings for resident watchmen and caretakers employed on the premises.

12.4 Permitted Signs

Subject to the general sign regulations of Article 6 and consisting of non-illuminated or indirectly illuminated accessory signs as follows:

1. Any sign permitted in the LI-1 District.

12.5 Height, Area, and Bulk Requirements

Requirements for minimum lot area, yards, and open space, and maximum height are contained in the Table of District Regulations at the end of this article.

12.6 Reference to Additional Regulations

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this Ordinance, especially the following:

Article 7, Off-Street Parking Regulations
Article 8, Off-Street Loading Regulations
Article 9, Conditional Uses
Article 10, Supplementary Height, Area and Bulk Regulations
Article 12, The Board of Appeals, Exceptions and Variances
Definitions are contained in Article 13.

Section 13. Floodway Zone F-1

13.1 Purpose of the Floodway Zone

This zone is intended to reserve land subject to frequent flooding from development which could impede flows of water during floods, and to prevent loss of life and excessive property damage in the area of greatest flood hazard. Only those uses are permitted which will not unduly increase flood heights and damage.

1. The following uses are permitted by right:
 - a. Farms.
 - b. Public and private parks, recreational areas, conservation areas, and other similar uses employing open land.
2. The following uses are permitted as special exceptions after approval by the Board of Appeals:
 - a. Other uses employing open land, such as storage yards for equipment, provided that:
 - (1) No refuse dumps, salvage yards, or other similar uses shall be permitted;
 - (2) the use is permitted in an adjoining zone;
 - (3) the use shall not be injurious to permitted uses or to uses in adjoining zones by reason of noise, odor, traffic, or other nuisances;
 - (4) the use shall not unduly impede the flow of water in time of flood or will not provide hazard to life or other property during floods.

3. The Planning and Zoning Commission may require the developer of any site in, or adjacent to, the areas designated as flood prone areas by the H.U.D. maps to establish the 100 year flood plain. This requirement may be placed on lots of existing record prior to building permit approval or on lots newly created by subdivision. The 100 year flood plain designation shall be by a registered engineer in the State of Maryland.

Section 14. Historic Area Provisions

14.1 Historic Review Certificate Required in Historic Districts

Prior to the issuance of a building permit or certificate of zoning compliance as required by this Ordinance in the Historic Area, a historic review certificate will be obtained prior to any building, structure, premise, sign, use or site being erected, constructed, built, created, reconstructed, moved, altered, added to, converted, or demolished.

14.2 Historic Area Commission

The intent of this section is to safeguard the heritage of the Town by protecting and preserving buildings and sites within an area which reflects elements of Chestertown's cultural, social, political, and architectural history; to promote the educational, culture, and economic value to the public by maintaining said area as a landmark of the Town's history and architecture.

1. Creation of the Historic Area Commission

A Historic Area Commission is hereby created. The Commission shall be appointed by the Mayor and Town Council, and shall have a membership of from three to seven persons all of who are qualified by interest, and agree to serve on this commission and all of whom are residents of Chestertown.

The terms of office shall be for three years, except that in making the initial appointments some appointments shall be established for less than three years in order that as these initial terms expire all appointments shall be for three years and shall not expire at the same time.

2. Proceedings of the Historic Area Commission

The Historic Area Commission shall organize itself, make and adopt rules necessary in the conduct of its affairs, and in keeping with provisions of this Ordinance. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The

Commission shall keep minutes of its proceedings, showing the vote of each member on each question, and shall keep records of its examinations and other official actions, all of which shall be public record.

14.3 Powers and Duties of the Historic Area Commission
The Commission shall have the following powers and duties:

1. Function

It shall be the function of the Historic Area Commission to review and act upon any request for a historic review certificate as required by this Ordinance. The Commission may require plans, elevations, architectural drawings, and other information to aid in rendering a decision. A copy of any application for building permit or certificate of zoning compliance which necessitates the issuance of a historic review certificate shall be made available to the Commission by the administrative official.

In deciding upon applications for historic review certificates, the Commission shall keep in mind the main purposes of this section, and shall consider, among other things, the historical and architectural value and significance, the general design, arrangement, texture, material and color of the building, site, or structure and appurtenant fixtures in question, the relation of such features to similar features and buildings in the immediate surroundings, and the position of such building, structure, or site in relation to the street or public way and to other buildings, structures, and sites. Using the above guides, yard and lot requirements shall be individually established by the Commission as provided for by the Schedule of District Zones of this Ordinance.

The salient factor to be considered in granting a historic review certificate is that the result will be compatible with the colonial period of Chestertown's history.

2. Approval by the Commission

Upon approval of an application, the Historic Area Commission shall transmit a report to the administrative official stating the conditions upon which approval was granted, and cause a historic review certificate to be issued. Final action shall be taken within thirty (30) days after filing of the request; if not, the application shall be deemed to be approved, except when mutual agreement between the Commission and the applicant has been made for an extension of the time limit.

3. Disapproval by the Board

Upon disapproval of any application, the Historic Area Commission shall forward a written statement containing the reasons therefore to the applicant. (Recommendations of changes necessary to make approval of an application possible, if approval indeed is possible, shall be forwarded to the applicant.) Notice of such disapproval and a copy of the written statement shall be transmitted to the administrative official.

14.4 Creation of Historic District

The historic district shall be as established on the accompanying map and is hereby incorporated into this document. Further identification is available in Article 21, Code of Ordinances, Section 21.3d, of Chestertown.

Section 15. Planned Unit Development Ordinance

15.1 Planned Unit Development in General

It is the intent of these regulations to control the placement, design, use and density of well-planned, residential developments which will offer a variety of building types and a more efficient overall use of land and, within these limits, permit the optimum amount of freedom and variety in the design and management of such varying types of residential structures, including one and two-family units, town houses and garden apartments within the areas designated. In connection with the intention of these regulations, the following objectives are sought to provide for the Planned Unit Development:

1. To provide a more attractive and varied living environment than would be possible through the strict application of R-1, R-2, R-3, and the R-4 district requirements.
2. To encourage a more intimate, efficient and esthetic use of open space.
3. To encourage developers to use a more creative approach in the development of land.
4. To encourage variety in the physical development pattern of residential areas.

15.2 P.U.D. Requirements

1. Permitted Uses

Planned Unit Developments are contemplated to be primarily residential in nature. However, Planned Unit Developments of sufficient size and appropriate character may have certain limited commercial development which is incidental to the Planned Unit Development and is intended primarily for the use of the residents of the Planned Unit Development. Specifically permitted uses are:

- a. Single-family detached dwellings.

- b. Multi-family dwellings attached or detached (including but not limited to one and two-family units, town houses and garden type apartments).
- c. Apartments.
- d. An office, temporary or permanent, belonging to the developer and clearly incidental to management and sales operations of the Planned Unit Development.
- e. Temporary structures incidental to construction.
- f. In Planned Unit Developments of fifty (50) acres or more, commercial establishments of a convenience and service nature may be permitted, with the express approval of both the Planning Commission and Board of Appeals. Such commercial establishments shall be an integral part of the plan for the P.U.D. The total aggregate area of all the commercial establishments and their parking area shall not occupy more than five (5%) percent of the gross area of the P.U.D. Commercial areas shall be of the small neighborhood convenience type and may include laundry and dry cleaning establishments, beauty and barber shops, retail food establishments of less than 3,500 square feet. No commercial establishments shall be constructed until fifty (50%) percent of the total planned residential units are completed. Centers may include one or more stores.
- g. The Planning Commission may also approve and/or require land and places for public assembly, recreational buildings, public buildings and accessory buildings, or may require the reservation of lands for such uses, if it is deemed they are advantageous or necessary for the purpose of serving the Planned Unit Development and local community.

2. Where Permitted

Planned Unit Developments are conditional uses in the R-1, R-2, R-3, and R-4 residential districts. In

general, a Planned Unit Development is contemplated in residential zones where tracts of suitable location, size and character exist. The uses and structures proposed are to be planned and developed according to the requirements and procedures of this ordinance. Planned Unit Development shall be approximately located with respect to the general pattern of urban development existing or proposed, and to existing public and private facilities and services.

3. Computation of Dwelling Units Permitted

The total density in the Planned Unit Development (P.U.D.) will not be greater than if conventionally developed. The total permitted dwelling units may be averaged over the entire P.U.D. or clustered in various groupings. In an effort to provide a variety of housing types, sizes, and cost, the formula for computing the residential density of a P.U.D. shall be based on the number of bedrooms permitted per gross acre of development. The multiplier factor shall be three (3), the average number of bedrooms per home, built in a conventional development.

The Density Factors for Computing Total Units

<u>Zone</u>	<u>Conventional Development</u>	<u>Standard Multiplier</u>	<u>P.U.D. Bedrooms/acre</u>
R-1	2 units/acre	3	6 bedrooms/acre
R-2	4 units/acre	3	12 bedrooms/acre
R-3	6 units/acre	3	18 bedrooms/acre
R-4	12 units/acre	3	36 bedrooms/acre

4. Density

The Planning Commission may set the required mix of 1, 2, or 3 bedroom units that can be built within a Planned Unit Development or its stages.

5. Land Coverage

The maximum amount of land that may be built over (covered) by parking lots, roads, sidewalks, plazas, buildings

or other structures shall be 35% of the gross land area of the P.U.D.

6. Area

The proposed P.U.D. shall in no case contain less than five (5) acres of land.

7. Open Space

Common open space shall comprise not less than twenty-five (25%) percent of the gross area. All open space shall be designated for the common use of all occupants of the P.U.D. and at least seventy (70%) percent of such space shall be developed as recreational areas.

8. Sanitary Facilities

No P.U.D. Plan shall be approved unless the proposed development will be served by public water and sewer disposal systems which shall be existing at the time the plan receives final approval. Satisfactory evidence must be furnished to the Planning Commission and the Board of Appeals that the existing town sewer and water system can handle the increased demands placed upon them by the proposed P.U.D. and meet current Health Department requirements for standards of operation.

9. Height Requirements

The requirements shall be those set out in the zoning ordinance.

10. Parking

At least two usable off-street parking spaces shall be provided for each dwelling unit, either on the lot it occupies or within one hundred and fifty (150) feet of such lot or of an apartment dwelling unit.

15.3 Administrative Procedures

1. Preliminary Application

Preliminary application shall be made to the Planning Commission and the Planning Commission shall forward it to the Board of Appeals for conditional approval of the P.U.D. and shall include, but not be limited to:

- a. A general diagram showing the P.U.D.'s relation to the Town of Chestertown and major public access to the P.U.D. (10 copies).
- b. A general plan setting forth preliminary information required by the Board of Appeals (10 copies). Such information shall include, but not be limited to the following:
 - (1) Proposed housing types, the total number of units, percentage of each type, general location of each type, elevations of each type.
 - (2) Proposed neighborhood convenience centers, location, types of business(es), size of area(s), and elevations of each building type.
 - (3) Proposed open spaces, their size, their location, their uses, and their proposed ownership (town and/or association).
 - (4) General statement concerning provision of utilities. (Public Works Agreement)
 - (5) Statement of expected town responsibilities.
 - (6) Cost/benefit ratio of the proposed P.U.D. for the town.
 - (7) Tentative time table and staging of development. (Schedule of construction)
 - (8) Applicant shall pay an application fee as previously established by the town.
- c. The Board of Appeals shall hold a public hearing on the preliminary application. Notice of public

hearing before the Board of Appeals shall be given at least fifteen (15) days prior to the hearing by publishing the time, place and nature of the hearing in a newspaper having general circulation in the town. In addition, the Board shall cause the date, time, place and nature of the hearing to be posted conspicuously on the property, in accordance with the rules of the Board. The published and posted notices shall contain reference to the place or places within the town where the application may be examined.

2. Preliminary Site Plan

The developer shall submit the following to the Planning Commission for its review after receiving conditional approval from the Board of Appeals:

- a. Ten (10) copies of a preliminary site plan shall be filed with the Planning Commission. The preliminary site plan shall comply with the requirements of this Article and be accompanied by such other written or graphic material as may be necessary or desirable in aiding the decisions of the Board of Appeals and the Planning Commission.
- b. The Planning Commission shall review the site plan for compliance with the requirements of this Ordinance. Before recommending approval of a site plan, the Planning Commission may make reasonable additional requirements, including, but not limited to, those which may be imposed by the Board of Appeals and especially requirements as to utilities, drainage, landscaping and maintenance thereof, lighting, signs and advertising devices, screening accessways, curb cuts, traffic control, height of buildings and setback of buildings, to protect adjoining residentially zoned lots or other uses. The site plan shall be amended in accordance with the requirements of the Planning Commission before being submitted to the Board of Appeals with a recommendation for approval by the Planning Commission.

c. Preliminary site plan shall show:

- (1) The proposed title of the project and name of the engineer, architect, designer or landscape architect, planner and the developer.
- (2) The northpoint, scale and date. The scale of the site plan shall be as follows:
 - for projects containing more than two hundred (200) acres, not more than two hundred (200) feet to one (1) inch.
 - for projects containing fifty (50) acres to two hundred (200) acres, not more than one hundred (100) feet to one (1) inch.
 - for projects containing more than ten (10) acres but less than fifty (50) acres, not more than fifty (50) feet to one (1) inch.
 - for projects containing ten (10) acres or less, not more than twenty (20) feet to one (1) inch.
- (3) The boundaries of the property involved, county and municipal boundaries, the general location of all existing easements, and property lines, existing streets, building or waterways, and other existing physical features in or adjoining the project.
- (4) The approximate location and sizes of sanitary and storm sewers, water mains, culverts, and other underground structures in or near the project.
- (5) Proposed changes in zoning, if any.
- (6) The general location and character of construction of proposed streets, alleys,

driveways, curb cuts, entrances and exits, parking and loading areas (including number of parking and loading spaces), outdoor lighting systems, storm drainage and sanitary facilities.

- (7) The general location of proposed lots, setback lines, and easements, and proposed reservations for parks, parkways, walkways, cycleways, playgrounds, school sites and open space.
- (8) The location of buildings with respect to each other, to lot lines, and to major excavations shall be drawn to scale but full dimensioning is not required on the preliminary plan.
- (9) The approximate height of proposed buildings and structures (accessory and main) shall be shown.
- (10) Preliminary plans and elevations of the several dwelling types and other buildings, as may be necessary.
- (11) General location, height, and material of all fences, walls, screen planting, and landscaping and management thereof.
- (12) Proposed location and character of non-residential uses or commercial uses, accessory or main.
- (13) General location, character, size, height and orientation of proposed signs, and management thereof.
- (14) A tabulation of total number of acres in the project gross or net as required in the district regulations and the percentage thereof proposed to be devoted to the several dwelling types, commercial uses, other non-residential uses, off-street parking, streets, parks, schools and other reservations.

- (15) A tabulation of the total number of dwelling units of various types in the project and the overall project density in dwelling units per acre, gross or net (as required by district regulations).
- (16) Schedule of construction or timetable (acceptable to the town).
- (17) The developer shall provide a statement detailing the means by which the P.U.D. and all its various aspects shall be managed. This shall include deed restrictions and covenants designed to insure perpetuity of agreements.
- (18) The developer shall provide a complete topographic drawing of the proposed plan to be made acceptable to the Soil Conservation Service (specific requirements will be obtained from the Soil Conservation Office). The developer, after consultation with the Soil Conservation Services, will develop a complete sediment and storm water control plan to be reviewed and approved by the Soil Conservation District.
- (19) The preliminary site plan shall also include a management statement governing the construction, operation and maintenance of:
 - (a) Sanitary and storm sewers, water mains, culverts, and other underground structures.
 - (b) Streets, alleys, driveways, curb cuts, entrances and exits, parking and loading area, outdoor lighting systems, storm drainage and sanitary facilities.
 - (c) Parks, parkways, cycleways, playgrounds, open spaces, fences, walls, screen planting, and landscaping and signs.

- (20) The Planning Commission may establish additional requirements for preliminary site plans.
- (21) After Planning Commission review and approval, the developer shall submit the amended site plan to the Board of Appeals for final approval.

d. Final Review and Approval Procedure

- (1) The Board of Appeals shall review the preliminary final site plan and other documents as finally approved and submitted by the Planning Commission.
- (2) The Board of Appeals shall hold a public hearing in the manner required in Section 3.c. of this article.
- (3) The Board of Appeals may approve or disapprove the proposed P.U.D. In granting approval, the Board shall secure:
 - (a) A surety bond or bonds be filed for/or deposited in escrow with the Board of Appeals in an amount sufficient to ensure completion of all requirements as imposed by the Planning Commission and/or Board of Appeals. Such bond or bonds shall be reviewed annually and adjusted to reflect current costs.
 - (b) A final site plan in the form of a final plat shall be prepared, filed and recorded. The final plat shall comply with the specifications of the Planning Commission and Board of Appeals, and the requirements of this Article and applicable laws, regulations, and ordinances governing the subdivision of land.
 - (c) Permits for building shall be issued in accordance with the schedule for

construction approved by the Board of Appeals as part of the final approval.

- (d) When a P.U.D. is to be developed in stages, each stage shall be processed as a separate P.U.D. after first submitting and receiving approval of a preliminary plat for the entire project.
- (e) As part of the final approval, the Board of Appeals shall approve dates for initiation and completion of the P.U.D. and/or its phases. Any departure from these dates shall constitute material breach of contract and outstanding bonds can be called in. The Board of Appeals can waive for cause.

e. Conflict With Other Articles

- (1) Provisions of the P.U.D. article when found to be in conflict with other provisions of the Chestertown Zoning Ordinance shall supercede those other provisions with which they conflict.
- (2) Provisions of the P.U.D. article when found to be in conflict with other provisions of the Chestertown Subdivision Regulations shall supercede those other provisions with which they conflict.

f. Status of the Chestertown Zoning and Subdivision Ordinance

The Chestertown Zoning and Subdivision Ordinance shall fully apply to all Planned Unit Developments except as noted in the Section above.

Section 16. Planned Redevelopment Districts

16.1 Planned Redevelopment Districts in General

Planned Redevelopment Districts shall occur in previously developed areas of Chestertown. It shall allow for public and private action for the proposed reuse, replatting, resale, allow for the increase or decrease in living units and commercial space, deviate from parking and bulk regulations, and other developmental actions through Planned Redevelopment Projects.

16.2 Administrative Procedures

1. Planned Redevelopment District Initiation

Initiation of a Planned Redevelopment District shall be by recommendation of the Planning and Zoning Commission to the Mayor and Council of Chestertown. The Mayor and Council may then adopt this recommendation by resolution. The resolution shall include but not be limited to the following:

- a. A statement of need for a Planned Redevelopment District.
- b. A written description of the area to be included in the redevelopment district (a map shall also accompany this description).
- c. A statement of objectives to be achieved by a Planned Redevelopment District.
- d. A statement directing the Chestertown Planning and Zoning Commission to initiate the development of a plan for the redevelopment district.

Upon passage by the Mayor and Council of the resolution, it shall be advertised once, with a map delineating the proposed Planned Redevelopment District, in a local newspaper.

2. Planned Redevelopment District Project Plan Development

The Planning and Zoning Commission working with the property owners, tenants and other interested persons, shall develop a project plan for the Planned Redevelopment District, that will meet the requirements, if any, of the initiating resolution. The Plan of the Planned Redevelopment District shall include, but not be limited to the following:

- a. Inclusion of the initiating resolution of the Mayor and Council.
- b. A general diagram showing the Planned Redevelopment District location to surrounding areas of Town.
- c. A map showing existing uses within the district and on all land adjoining the district, including all public lands and right-of-ways.
- d. A map indicating quality of existing structures within a Planned Redevelopment District.
- e. A map showing proposed property lines.
- f. A map showing the proposed use, or reuse, and the intensity of such use per parcel of land in the Planned Redevelopment District.
- g. A map indicating all public lands and right-of-ways.
- h. A general statement concerning provision of utilities.
- i. A detailed statement of expected Town responsibilities to include all financial, legal and planning activities.

Upon completion of the Planned Redevelopment District Project Plan, the Planning Commission shall forward the plan to the Board of Appeals as a conditional use.

3. Approval of the Planned Redevelopment District Project Plan

The Board of Appeals shall rule only on those areas within the statutory scope of their authority. The Board of Appeals shall review the Planned Redevelopment District Project Plan, and other documents as finally approved and submitted by the Chestertown Planning and Zoning Commission.

a. The Board of Appeals

The Board of Appeals shall hold a public hearing on the proposed Planned Redevelopment District Plan. Notice of public hearing before the Board of Appeals shall be published once at least fifteen (15) days prior to the hearing, by publishing

the time, place and nature of the hearing in a newspaper having general circulation in the Town. The published notices shall contain reference to the place or places within the Town where the application may be examined.

b. Conflict with other Articles

Provisions of the Planned Redevelopment District Article, when found to be in conflict with other provisions of the Chestertown Zoning and Subdivision Ordinance, shall supercede those other provisions with which they conflict.

c. Historical Area Provision

Nothing in this section shall relieve any part from the requirements of the Historic District Provision of this Ordinance.

d. A Community Redevelopment Project shall comply with all additional regulations as may be applicable under Federal and State law. Future amendments to the law shall prevail over the provisions of this Ordinance.

4. Approval of the Planned Redevelopment District Project Plan

The Mayor and Council shall rule only on those areas within the statutory scope of their authority. The Mayor and Council shall review the Planned Redevelopment District Project Plan, and other documents as finally approved and submitted by the Chestertown Planning and Zoning Commission.

a. Mayor and Council

The Mayor and Council shall hold a public hearing on the proposed Planned Redevelopment District Plan. Notice of public hearing before the Mayor and Council shall be published once at least fifteen (15) days prior to the hearing, by publishing the time, place and nature of the hearing in a newspaper having general circulation in the Town. The published notices shall contain reference to the place or places within the Town where the application may be examined.

b. Conflict with other Articles

Provisions of the Planned Redevelopment District Article, when found to be in conflict with other provisions of the Chestertown Zoning and Subdivision Ordinance, shall supercede those other provisions with which they conflict.

c. Historical Area Provision

Nothing in this section shall relieve any part from the requirements of the Historic District Provision of this Ordinance.

d. A Community Redevelopment Project shall comply with all additional regulations as may be applicable under Federal and State law. Future amendments to the law shall prevail over the provisions of this Ordinance.

16.3 Implementation

The approval by the Board of Appeals and the Mayor and Council of the Planned Redevelopment District Project, will enable the Planning and Zoning Commission to begin the implementation of the plan. Approval by the Board of Appeals and the Mayor and Council of the Planned Redevelopment Project provides approval of all changes in the plan, and the Planning and Zoning Commission is then directed to implement the project according to the plan.

ARTICLE 5. TABLE OF DISTRICT HEIGHT, AREA, AND BULK REQUIREMENTS

Section 17

Height, area, and bulk requirements for the various districts shall be as indicated in the chart below, together with other height, area, and bulk requirements contained in this Ordinance.

Use Regulations In Article 5, Section:	District	Maximum Height		MINIMUM LOT REQUIREMENTS				MINIMUM YARD REQUIREMENTS			
		Feet	Stories	Lot Area In Square Feet		Width Of Lot In Feet	Depth Of Lot In Feet	Depth Of Front Yard In Feet (6)	Width of Each Side Yard In Feet (Two Required)	Aggregate Width Of Side Yards In Feet	
1	R-1 Single-Family Residential	35	2½	20,000		100	100	30	15	35	
2	R-2 Single-Family Residential	35	2½	10,000		75	100	30	10	25	
3	R-3 Two-Family Residential	35	2½	1-Family: 7,000 2-Family: 3,750 (1)	65 35 (1)	100	100	25	8	18	
4	R-4 Multiple-Family Residential	40	3	1-Family: 10,000 2-Family: 5,000 (1) 3-Family: 200 each 4-Family: 3000 each	70 40 (1) 80	100	100	30	1-2, 2½-story: 10 3-story: 15	20 30	
5	R-5 Multiple-Family Residential	40	3	Town House: 2,000 (1) 1-Family: 5,000 2-Family: 3,750 (1) 3-Family: 7,500 4-Family: 8,000	18 (1) 50 35 (1) 65	100	100	None	1-2, 2½-story: 8 3-story: 15	18 30	
6	RB Professional Office	40	3	Town House: 2,000 (1) For Dwellings: Same as R-5	18 (1)	None	None	None	10 (1)	20 (1)	
7	B-1 Neighborhood Business	35	2½	Other Buildings: None For Dwellings: 10,000 Other Buildings: None	None 75 100	None	100	50	None except as in Note (2) below 10	None except as in Note (2) below 30	
8	C-1 General Commercial	40	3	Other Buildings: None For Dwellings: Same as R-5	100	None	None	50	For Dwellings: Same as R-4 None except as in Note (2) below	For Dwellings: Same as R-4 None except as in Note (2) below	
9	C-2 Central Commercial	45	3	Other Buildings: None For Dwellings: Same as R-5	None	None	None	None	For Dwellings: Same as R-5 None except as in Note (2) below	For Dwellings: Same as R-5 None except as in Note (2) below	
10	CM Commercial Marine	45	3	Other Buildings: None For Dwellings: 43,560 (1 acre)	None	None	None	30	For Dwellings: Same as R-5 15 (3)	For Dwellings: Same as R-5 30 (3)	
11	LI-1 Limited Industrial	45	3	-	150	200	200	50	20	50	
12	LI-2 Light Industrial	45 (5)	3	-	None	None	None	50	20	50	

(1) See Article 10 for regulations pertaining to two family dwellings and town houses.
(2) There shall be a side yard not less than 20 feet in width on the side of a lot adjoining a residential district and there shall be a rear yard not less than 30 feet in depth on the rear side of a lot adjoining a residential district.

(3) No rear yard or side yard shall be required on the rear or side of a lot which adjoins a waterway.
(4) There shall be a rear yard not less than 40 feet in depth on the rear side of a lot adjoining a residential district.
(5) Grain elevators, gas holders, industrial tanks or towers, and other similar structures may exceed 125 feet in height, but whenever any building or structure adjoins or abuts upon a residential district, such building or structure shall not exceed 50 feet in height unless set back one foot from all required yard lines for each foot of additional height above 50 feet.

(6) See Article 10, Section 5.4

ARTICLE 6. GENERAL SIGN REGULATIONS

Section 1. Sign Definitions

For the purpose of this section, certain terms and words pertaining to signs are hereby defined. The general rules of construction contained in Article 13 are applicable to these definitions.

1. Sign. A structure, display, or device that is arranged, intended, designed, or used for advertisement, announcement, identification, description, or direction.
2. Sign Area. That area within a line including the outer extremities of all letters, figures, characters, and delineations, or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon, or a building or part thereof, shall not be included in the sign area. Only one side of a double-faced sign shall be included in a computation of sign area; for other signs with more than one face, each side shall be included in a computation of sign area. The area of a cylindrical sign shall be computed by multiplying one-half of the circumference by the height of the sign.
3. Accessory Sign. A sign relating only to uses of the premises on which the sign is located, or products sold on the premises on which the sign is located, or indicating the name or address of a building or the occupants or management of a building on the premises where the sign is located.
4. Detached Sign. A sign not attached to or painted on a building, but which is affixed to the ground. A sign attached to a flat surface such as a fence or wall, not a part of a building, shall be considered a detached sign.

5. Double-Faced Sign. A sign with two parallel, or nearly parallel, faces, back to back, and located not more than 24 inches from each other.
6. Flashing Sign. An illuminated sign on which the artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use. Any sign which revolves or moves, whether illuminated or not, shall be considered a flashing sign.
7. Flat Sign. Any sign attached to, and erected parallel to the face of, or erected or painted on the outside wall of a building and supported throughout its length by such wall or building and not extending more than 18 inches from the building wall; provided that such sign shall have an area equal to 1 square foot for 1 lineal foot of store frontage, but not to exceed the square foot limit applicable in the particular District involved.
8. Illuminated Sign. Any sign designed to give forth artificial light or designed to reflect light from one or more sources of artificial light erected for the purpose of providing light for the sign.
9. Indirectly Illuminated Sign. A sign which does not produce artificial light from within itself but which is opaque and backlighted or illuminated by spotlights or floodlights not a part of or attached to the sign itself.
10. Internally Lighted Translucent Sign. A sign of translucent non-transparent material illuminated from within but with no exposed or exterior bulbs, tubes, or other light source.
11. Marquee Sign. Any sign attached to or hung from a marquee. For the purpose of this article, a marquee is a covered structure projecting from and supported by the building with independent roof and drainage provisions and which is erected over a doorway or doorways as protection against the weather.

12. Projecting Sign. A sign which is attached to and projects more than 18 inches from the face of a wall of a building. The term projecting sign includes a marquee sign.
13. Window Sign. Any sign attached to, and erected parallel to the face of, or erected or painted on the surface of a window and supported throughout its length by such window.

Section 2. General Sign Regulations

The following regulations apply generally to all signs and are in addition to the regulations contained elsewhere in this Ordinance:

1. No sign unless herein excepted, shall be erected, constructed, posted, painted, altered, maintained, or relocated, except as provided in this article and in these regulations, until a permit has been issued by the Administrator. Before any permit is issued, an application especially provided by the Administrator shall be filed, together with three sets of drawings and/or specifications (one to be returned to the applicant) as may be necessary to fully advise and acquaint the Administrator with the location, construction, materials, manner of illuminating, and/or securing or fastening, number of signs applied for, and the wording of the sign or advertisement to be carried on the sign. All signs which are electrically illuminated shall require a separate electrical permit and inspection. All signs shall be erected on or before the expiration of 90 days from the date of issuance of the permit; otherwise, the permit shall become null and void and a new permit shall be required. Each sign requiring a permit shall be clearly marked with the permit number and name of the person or firm placing the sign on the premises. Fees for sign permits shall be in accordance with the schedule adopted by ordinance, a copy of which is maintained in the office of the Administrator.
2. Structural and safety features and electrical systems shall be in accordance with the requirements of the applicable codes and ordinances.

No sign shall be approved for use unless it has been inspected by the department issuing the permit and is found to be in compliance with all the requirements of this Ordinance and applicable technical codes.

3. The following signs are exempted from the provisions of these regulations and may be erected or constructed without a permit, but in accord with the structural and safety requirements of the applicable codes:
 - a. Official traffic signs or sign structures and provisional warning signs or sign structures, when erected or required to be erected by a governmental agency, and temporary signs indicating danger.
 - b. Changing of the copy of a bulletin board, poster board or display encasement.
 - c. Temporary non-illuminated signs, not more than six square feet in area, advertising real estate for sale or lease or announcing contemplated improvements of real estate, and located on the premises, one such sign for each street frontage.
 - d. Temporary non-illuminated signs, not more than ten square feet in area, erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress, one such sign for each street frontage.
 - e. Non-illuminated signs warning trespassers or announcing property as posted.
 - f. Sign on a truck, bus, or other vehicle, while in use in the normal course of business. This section should not be interpreted to permit parking for display purposes of a vehicle to which signs are attached in a district where such signs are not permitted.

4. The following signs are prohibited:
 - a. Window
 - b. Marquee
 - c. Projecting
5. The Administrator, upon application as required in Section 2 of this article, may issue temporary permits for the following signs and displays for a period not exceeding 30 days, when in his opinion, the use of such signs and displays would be in the public interest and would not result in damage to private property:
 - a. Signs advertising a special civic or cultural event such as a fair or exposition, play, concert or meeting, sponsored by a governmental or charitable organization.
 - b. Special decorative displays used for holidays, public demonstrations, or promotion for non-partisan civic purposes.
 - c. Special sales promotion displays in a district where such sales are permitted, including displays incidental to the opening of a new business.
6. Pennants, banners, streamers, and all other fluttering, spinning, or similar type signs and advertising devices are prohibited, except for national flags and flags of political subdivisions of the United States, and except for flags of bona fide civic, charitable, fraternal, and welfare organizations, provided that during nationally recognized holiday periods, or during a special civic event, pennants, banners, streamers and other fluttering, spinning, or similar type advertising devices pertaining to said periods or events may be displayed by temporary permit as provided above in this article.
7. No flashing signs or exposed neon tubing shall be permitted in any district.
8. No sign which is not an integral part of the building design shall be fastened to and supported by or on the roof of a building and no

sign shall extend over or above the roof line or parapet wall of a building.

9. Applications for unusual signs or displays which give rise to questions of interpretation of these regulations may be referred by the Administrator to the Board of Appeals for the purpose of interpretation by the Board and recommendation for action on the application by the Administrator. If, in the opinion of the Board, the application is not adequately covered by these regulations, the Board may make recommendations for amendment of this Ordinance.
10. No sign shall be constructed, erected, used, operated, or maintained which:
 - a. Displays intermittent lights resembling or seeming to resemble, the flashing lights customarily associated with danger or such as are customarily used by police, fire, or ambulance vehicles, or for navigation purposes.
 - b. Is so located and so illuminated as to provide a background of colored lights blending with traffic signal lights to the extent of confusing a motorist when viewed from the normal approaching position of a vehicle at a distance of 25 to 300 feet.
11. Permitted signs for a nonconforming business, commercial or industrial use in a residential district shall consist of those signs permitted in the B-1 Neighborhood Business District.
12. Except as otherwise specifically provided in these regulations, all signs shall be subject to the provisions of Article 11 governing nonconforming uses.
13. Except as otherwise provided, these regulations shall be interpreted to permit one sign of each permitted type, in accordance with applicable regulations, for each street frontage, for each permitted use on the premises. For the purpose of this regulation, sign "types" are flat,

detached, projecting, and marquee signs, and special purpose signs specifically listed in the district regulations.

14. Unless specifically prohibited, any sign may be of the flat, detached, or projecting type, and, except as otherwise provided, no detached sign shall exceed a height of 15 feet.
15. Signs of permitted types and sign area may be placed on walls of buildings other than the front except on side or rear walls facing, and within 100 feet of, a residential district.
16. Unless otherwise specified in these regulations, all signs shall comply with the yard requirements of the district in which they are located, provided that one accessory sign may occupy required yards in a district where such sign is permitted by these regulations, if such sign is not more than 30 square feet in area, and other requirements of these regulations are complied with.
17. No sign, portable or otherwise, is to be placed or located to conflict with the vision clearance or other requirements of applicable traffic ordinances.
18. No signs shall be attached to trees, utility poles, or any other unapproved supporting structure.
19. The owner and/or tenant of the premises and the owner and/or erector of the sign shall be held responsible for any violation of these regulations. Where a sign has been erected in accordance with these regulations, the sign company shall be relieved of further responsibility under these regulations after final approval of the sign by the Administrator.
20. All signs shall be maintained in good condition and appearance. After due notice has been given as provided below, the Administrator may cause to be removed any sign which shows gross neglect or becomes dilapidated.

21. The Administrator shall remove, or cause to be removed, any sign erected or maintained in conflict with these regulations, if the owner or lessee of either the site or the sign fails to correct the violation within 30 days after receiving written notice of violation from the Administrator. Removal of a sign by the Administrator shall not affect any proceedings instituted prior to removal of such sign.

Section 1. Off-Street Parking Requirements.

Except as otherwise provided in this Ordinance, when any building or structure is hereafter erected or structurally altered, or any building or structure hereafter erected is converted for the uses listed in Column 1 of the chart below, accessory off-street parking spaces shall be provided as required in Column 2 or Column 3 or as required in subsequent sections of this article.

Column 1	Column 2	Column 3
Use or Use Category	Spaces Required Per Basic Measuring Unit	Additional Requirements
One-, two-, or three family dwelling	1 per dwelling unit	
Church or temple, auditorium, or place of assembly	1 per 5 seats or bench seating spaces	(Seats in main auditorium only)
College or high school	1 per 5 seats in main auditorium	Or 8 per classroom whichever is greater
Elementary, junior high, or nursery school	1 per 10 seats in main assembly room	Or 1 per classroom whichever is greater
Country club or golf club	1 per 5 members	
Public library, museum, art gallery, or community center	10 per use	Plus 1 additional space for each 300 square feet of floor area in excess of 1,000 square feet
Multiple-family dwelling, more than 3 dwelling units	1.5 per dwelling unit	Plus 1 per 2 roomers
Private clubs, fraternities, sororities, and lodges, with sleeping rooms	2 per 3 sleeping rooms or suites	Or 1 per 5 active members, whichever is greater
Private clubs, fraternities, sororities, and lodges, with no sleeping rooms	1 per 10 active members	
Sanitarium, convalescent home, home for the aged, or similar institution	1 per 5 patient beds	
Tourist home, motel, motor hotel, motor lodge, or hotel	1 per sleeping room or suite	
Rooming, boarding, or lodging house	1 per 2 sleeping rooms	
Hospital	1 per 2 patient beds	
Office or office building, post office, studio, or clinic	1 per 400 square feet of floor area	3 spaces minimum; 10 spaces minimum for a clinic
Funeral home	1 per 50 square feet of floor area excluding storage and work area	30 spaces minimum
Restaurant or other establishment for consumption of food or beverages on the premises	1 per 100 square feet of floor area	3 spaces minimum
Retail store or personal service establishment or banks	1 per 200 square feet of floor area	Retail food stores over 4,000 square feet: 1 per 100 square feet of floor area
Furniture or appliance store, machinery, equipment, and automobile and boat sales and service	1 per 300 square feet of floor area	2 spaces minimum. Automobile sales and service 10 minimum
Auditorium, theatre, gymnasium, stadium, arena, or convention hall	1 per 5 seats or seating spaces	
Bowling alley	10 per alley	
Food storage locker	1 per 200 square feet customer service area	
Amusement place, dance hall, skating rink, swimming pool, natatorium, or exhibition hall, without fixed seats	1 per 100 square feet of floor area	Does not apply to accessory use
General service or repair establishment, printing, publishing, plumbing, heating, broadcasting station	1 per 3 employees on premises	Auditorium for broadcasting station requires space as above
Animal hospital	1 per 400 square feet of floor area	4 spaces minimum
Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, wholesale, warehouse, or similar establishment	1 per 2 employees on maximum working shift	Plus space for storage of trucks or other vehicles used in connection with the business or industry

Section 2. Interpretation of the Chart of Section 1.

1. The use regulations for each district are not affected by the arrangement of uses in the chart.
2. The parking requirements in the chart are in addition to space for storage of trucks or other vehicles used in connection with any use.
3. The parking requirements in the chart do not limit other parking requirements contained in the district regulations.
4. The parking requirements in the chart do not limit special requirements which may be imposed with conditional uses (Article 9) or special use exceptions (Article 12).
5. Floor area as used in the chart shall be as defined in Article 13.
6. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.
7. Except as otherwise provided, the number of employees shall be compiled on the basis of the maximum number of persons employed on the premises at one time on an average day or average night, whichever is greater. Seasonal variations in employment may be recognized in determining an average day.
8. The parking space requirements for a use not specifically listed in the chart shall be the same for a listed use of similar characteristics of parking demand generation.
9. In the case of mixed uses, uses with different parking requirements occupying the same building or premises, or in the case of joint use of a building or premises by more than one use having the same parking requirements, the parking spaces required shall equal the sum required for the various uses computed separately.
10. Whenever a building or use is changed or enlarged in floor area, number of employees, number of

dwelling units, seating capacity or otherwise, to create a need under the requirements of this article for an increase in parking spaces of ten percent or more than those required before the change or enlargement, such additional spaces shall be provided on the basis of the change or enlargement. No additional spaces shall be required for the first change or enlargement which would result in an increase of spaces of less than ten percent of those required before the change or enlargement, but this exception shall not apply to a series of changes or enlargements which together result in a need for an increase in parking space of ten percent or more.

11. Whenever a building is built, or enlarged, or it is changed or enlarged in floor area, number of employees or number of dwelling units, seating capacity or otherwise create a need under the requirements of this article for an increase in parking spaces and is located in the C-2 commercial zone, and the Historical District of Chestertown, a variance may be sought to relieve the property owner of some or all of the parking space requirements. The Board may grant such a variance if it finds:
 - a. That adequate public parking exists within 350 feet of the proposed building or,
 - b. That providing a parking lot in the historical area would do substantial and irreparable harm to the historic district area.
12. In cases of low rent public housing units owned, leased or operated by the Chestertown Housing Authority, and housing developments for elderly persons the Planning and Zoning Commission may determine and approve a reduction in the number of required spaces for such use by not more than 50% of the applicable regulations.

Section 3. Joint Use and Off-Site Facilities

1. All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained at a distance not to exceed 300 feet from an institutional building or other non-residential building served.
2. Up to 50 percent of the parking spaces required for (a) theatres, public auditoriums, bowling alleys, dance halls, and night clubs, and up to 100 percent of the parking spaces required for a church auditorium, may be provided and used jointly by (b) banks, offices, retail stores, repair shops, service establishments, and similar uses not normally open, used, or operated during the same hours as those uses listed in (a), and up to 100 percent of parking spaces required for schools may be provided and used jointly by a church auditorium; provided, however, that written agreement thereto is properly executed and recorded as specified below.
3. In any case, where the required parking spaces are not located on the same lot with the building

or use served, or where such spaces are collectively or jointly provided and used, such parking space shall be established by a recorded covenant or agreement as parking space to be used in conjunction with the principal use and shall be reserved as such through an encumbrance on the title of the property to be designated as required parking space, such encumbrance on the title of the property to be valid for the total period the use or uses for which the parking is needed are in existence. A certificate of recording of the covenant or agreement shall be furnished to the Administrator.

Section 4. Design Standards

1. Minimum Area. For the purpose of these regulations, an off-street parking space is an all-weather surfaced area not in a street or alley and having an area of not less than 200 square feet, exclusive of driveways, permanently reserved for the temporary storage of one vehicle and connected with a street or alley by a paved driveway which affords ingress and egress for an automobile without requiring another automobile to be moved.
2. Drainage and Maintenance. Off-street parking facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys. Off-street parking areas shall be maintained in a clean, orderly, and dust-free condition at the expense of the owner or lessee and not used for the sale, repair, or dismantling or servicing of any vehicles, equipment, materials, or supplies.
3. Separation from Walkways and Streets. Off-street parking spaces shall be separated from walkways, sidewalks, streets, or alleys by a wall, fence, curbing, or other approved protective device, or by distance so that vehicles cannot protrude over publicly owned areas.
4. Entrances and Exits. Location and design of entrances and exits shall be in accord with the

applicable requirements of Town traffic regulations and standards. Landscaping, curbing, or approved barriers shall be provided along lot boundaries to control entrance and exist of vehicles or pedestrians.

5. Interior Drives. Interior drives shall be of adequate width to serve the particular design arrangement of parking spaces.
6. Marking. Parking spaces in lots of more than five spaces shall be marked by painted lines or curbs or other means to indicate individual spaces. Signs or markers shall be used as necessary to ensure efficient traffic operation of the lot. Signs, markers, and pavement markings shall conform with the standards approved by the Maryland State Highway Administration and endorsed by the United States Department of Transportation.
7. Lighting. Adequate lighting shall be provided if off-street parking spaces are to be used at night. The lighting shall be arranged and installed to minimize glare on property in any residential district.
8. Screening. When off-street parking areas for five or more automobiles are located next to a residential district, or to any lot upon which there is a dwelling as a permitted use under these regulations, and where such parking areas are not entirely screened visually from such lot by an intervening building or structure, there shall be provided a continuous, visual screen with a minimum height of six feet. Such screen may consist of a compact evergreen hedge or foliage screening or a louvered wall or fence.
9. Construction Material. All off-street parking facilities shall be paved with macadam, bituminous concrete or concrete, and the design and specifications therefore shall be subject to approval by the Planning Commission.
10. In off-street parking areas of five or more spaces, the Planning Commission shall require landscaping.

ARTICLE 8. OFF-STREET LOADING REGULATIONS

Section 1.

Except as otherwise provided in this Ordinance, when any building or structure is hereafter erected or structurally altered to the extent of increasing the floor area by 25 percent or more, or any building is hereafter converted, for the uses listed in Column 1 of the chart below, when such buildings contain the floor areas specified in Column 2, accessory off-street loading spaces shall be provided as required in Column 3 or as required in subsequent sections of this article.

Column 1	Column 2	Column 3
Use or Use Category	Floor Area As Defined In Article 13, In Square Feet	Loading Spaces Required
Retail store, department store, restaurant, wholesale house, warehouse, general service, manufacturing, or industrial establishment.	2,000 - 10,000	One
	10,000 - 20,000	Two
	20,000 - 40,000	Three
	40,000 - 60,000	Four
	Each 50,000 over 60,000	One Additional
Apartment building, motel hotel, offices or office building, hospital or similar institutions, or places of public assembly.	5,000 - 10,000	One
	10,000 - 100,000	Two
	100,000 - 200,000	Three
	Each 100,000 over 200,000	One Additional
Funeral home or mortuary.	2,500 - 4,000	One
	4,000 - 6,000	Two
	Each 10,000 over 6,000	One Additional

Section 2. Interpretation of the Chart.

1. The loading space requirements apply to all districts but do not limit the special requirements which may be imposed in the district regulations.
2. The loading space requirements in this article do not limit special requirements which may be imposed in connection with Conditional Uses (Article 9) or Special Use Exceptions (Article 12).
3. Under the provisions of Article 12, the Board of Appeals may waive or reduce the loading space requirements whenever the character of the use is such as to make unnecessary the full provision of loading facilities, where provision is made for community loading facilities, or where provision of loading space requirements is impractical under certain conditions for uses which contain less than 10,000 square feet of floor area.

Section 3. Mixed Uses In One Building.

Where a building is used for more than one use or for different uses, and where the floor area used for each use for which loading space is required is below the minimum for required loading spaces but the aggregate floor area used is greater than such minimum, then off-street loading space shall be provided as if the entire building were used for that use in the building for which the most spaces are required. In such cases, the Administrator may make reasonable requirements for the location of required loading spaces.

Section 4. Design Standards.

1. Minimum Size. For the purpose of these regulations a loading space is a space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks, having minimum area of 540 square feet, minimum width of 12 feet, a minimum depth of 35 feet, and a vertical clearance of at least 14.5 feet.
2. Loading Space for Funeral Homes. Loading spaces for a funeral home may be reduced in size to 10 by 25 feet and vertical clearance reduced to eight feet.
3. Drainage and Maintenance. Off-street loading facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys and surfaced with erosion-resistant material in accordance with applicable specifications. Off-street loading areas shall be maintained in a clean, orderly, and dust-free condition at the expense of the owner or lessee and not used for the same, repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies.
4. Entrances and Exits. Location and design of entrances and exits shall be in accord with applicable requirements of traffic regulations and standards. Where the entrance or exit of a building is designed for truck loading and unloading, such entrance or exit shall be designed to provide at least one off-street loading space.

ARTICLE 9. CONDITIONAL USES

Section 1. Purpose

The purpose of this article is to provide for certain uses which cannot be well adjusted to their environment in particular locations with full protection offered to surrounding properties by rigid application of the district regulations. These uses are generally of a public or semi-public character and are essential and desirable for the general convenience and welfare, but because of the nature of the use, the importance of relationship to the Comprehensive Plan, and possible impact, not only on neighboring properties, but on a large section of the Town, require the exercise of planning judgment on location and site plan.

Section 2. Conditional Uses Enumerated

The following buildings, structures, and uses shall be approved by the Board of Appeals (see Article 14) as conditional uses in all districts, except as otherwise provided in accordance with the procedures and standards of this article; provided that the location is appropriate and not in conflict with the Comprehensive Plan, that the public health, safety, morals, and general welfare will not be adversely affected, that adequate off-street parking facilities will be provided for the protection of surrounding property, persons, and neighborhood values, and further provided that the additional standards of this article are complied with. Unless otherwise specified in this article or specified as a condition of approval, the height limits, yard spaces, lot area, and sign requirements shall be the same as for other uses in the district in which the conditional use is located.

1. Boat Houses, Piers, and Bulkheads. The following regulations shall apply to accessory boat houses and boat slips in residential districts:
 - (a) A boat house may not be used as a dwelling, guest house, or servants' quarters unless specifically permitted by other sections of this ordinance.
 - (b) The height of a boat house shall not exceed 20 feet above mean high water.
 - (c) No boat house shall exceed 20 feet in width nor 40 feet in length.

- (d) No boat house shall be built closer than ten feet to a side lot line.
 - (e) Boat houses and boat slips, together with other accessory buildings, may occupy no more than 35 percent of a required rear yard.
 - (f) The following additional regulations shall apply to boat docks, piers, and wharves, accessory or nonaccessory, in any district:
 - (1) Projection of docks, wharves, and piers into waterways beyond the waterway line, lot lines, or established bulkhead lines, or the placing of mooring piles or buoys, shall be limited by applicable Town ordinances and State laws and applicable regulations of the United States Army Corps of Engineers, and in no case shall a dock, wharf, pier, or pile project more than ten percent of the width of the waterway.
 - (2) Groins, levees, bulkheads, piling, breakwaters, and other similar structures shall be erected and maintained in accordance with applicable location and construction standards of the Town or State and the United States Army Corps of Engineers.
2. Bus Terminals, C-1 or C-2 District only.
3. Car-washes and automobile laundries, automatic or otherwise, providing reservoir space for not less than ten vehicles for each washing lane of an employee-operated facility in the C-1 District only.
4. Cemeteries, including a Crematorium, provided that:
- (a) The minimum area of the cemetery shall be ten (10) acres, unless associated with a church or limited to use by a family.
 - (b) Arrangements are made satisfactory to the Town Attorney for perpetual maintenance of the cemetery.

- (c) A crematorium shall be located at least 200 feet from the boundaries of the cemetery.
- 5. Cemeteries for pets.
 - (a) The minimum area of the cemetery shall be five acres.
 - (b) Arrangements are made satisfactory to the Town Attorney for perpetual maintenance of the cemetery.
- 6. Churches, rectories, parish houses, convents and monasteries, temples, and synagogues.
- 7. Commercial greenhouses, wholesale or retail.
- 8. Convalescent homes, nursing homes, or homes for the aged.
- 9. Day nurseries or child care centers.
- 10. Docks, piers, bulkheads, and other overwater structures, except private over-water piers and boathouses accessory to a dwelling.
- 11. Exposition center.
- 12. Golf courses, not lighted for night play, including miniature golf courses, putting greens, driving ranges and similar activities operated as a business, and including a building for a golf shop, locker room, and snack bar as an accessory use to a permitted golf course, provided that no such building is located closer than 100 feet to adjoining property lines. Practice greens and tees may accompany a standard ninehole or eighteen-hole golf course occupying at least 75 acres.
- 13. Heliports and helistops.
- 14. Hospitals and sanitariums, but not animal hospitals.
- 15. Institutions, educational or philanthropic, including museums, art galleries, and libraries.

16. Marinas and yacht clubs, provided that:

- (a) The marina or yacht club complies with all other codes, regulations, laws and ordinances, including those relating to the establishment of bulkhead lines.
- (b) The proposed design is satisfactory as regards such safety features as location of fueling points, fuel storage effect on navigation, and possibilities for water pollution.
- (c) The marina or yacht club is properly located with respect to access roads and existing and future developed areas.
- (d) The necessary approval is obtained from the United States Army Corps of Engineers.

17. Mobile Home Parks, provided that:

- (a) Access to the mobile home park shall be from a major thoroughfare, the number and location of access drives shall be controlled for traffic safety and protection of surrounding properties, no mobile home space shall be designed for direct access to a street outside the boundaries of the mobile home park, and the interior access drives shall be properly lighted and at least 30 feet in width of right-of-way, hard-surfaced and maintained at least 20 feet in width, in accord with applicable Town specifications and ordinances.
- (b) The topography of the site shall be such as to facilitate rapid drainage, and adequate drainage facilities shall be provided.
- (c) The minimum width and/or depth of the mobile home park shall be 200 feet and minimum total area of the mobile home park shall be five acres, except that minimum area may be two acres where the proposed park is to be located adjacent to an existing mobile

home park containing an area of five acres or more.

- (d) The minimum area for a mobile home site for parking one home shall be 4000 square feet, with no dimension less than 40 feet, and with corners of each site visibly marked and numbered by a permanent marker.
- (e) In addition to the requirement of (d) above, the mobile home park shall contain at least 1000 square feet per mobile home for community facilities, including play space, utility rooms, parking, and access roads.
- (f) The mobile home park shall be surrounded by a landscaped strip of open space 50 feet wide along the street frontage with a major street or major highway and 35 feet wide along all other lot lines or street frontage, the specific type of landscaping being subject to approval by the Planning Commission and the Board of Appeals.
- (g) No mobile home shall be parked closer than 25 feet to any other mobile home or service building, and no part of a mobile home shall extend closer than five feet to the boundaries of the individual mobile home site.
- (h) Off-street parking spaces for automobiles shall be hard-surfaced and provided in the ratio of one and one-half spaces per mobile home in locations convenient to individual groups of mobile homes.
- (i) In a residential district, accessory signs, in addition to internal directional signs, shall be limited to one flat or detached, non-illuminated or indirectly illuminated sign, with sign area limited to 10 square feet and sign height not exceeding 5 feet.
- (j) Mobile home park shall be served by public water supply and sanitary sewers, subject to approval by the Town. Proper provision shall

be made for electrical connections, fire protection, and refuse collection.

(k) The proposed mobile home park shall comply with all provisions of this Ordinance and state and local laws and regulations.

(l) Service or utility buildings are permitted within the park for use as postal, mobile home supplies, and mobile home park office, provided, however, that all use of the facilities shall be designed for occupants of the park.

(m) Leasing arrangements, as well as Rules and Regulations set by the mobile home management, are subject to approval by the Planning Commission and the Board of Appeals.

18. Planned Unit Developments, -see Article 5.

19. Private Clubs.

20. Undertaking.

21. Recreational uses, such as:

(a) Swimming, tennis and athletic clubs, commercially operated, provided the facilities shall be limited to those for games and uses such as swimming, shuffle-board, croquet or tennis. Activity areas and buildings shall not be located closer than 25 feet to any lot line.

(b) Recreational uses such as tennis courts, swimming pools, and other similar activities operated exclusively for the use of private membership and not for commercial purposes, provided that no such use, structure, or accessory use is located closer than 50 feet to any adjoining property line unless such property line fronts a public street or waterway with rights-of-way not less than 25 feet, in which instance the required

setback need not exceed 25 feet, and provided further that all such facilities must be located on a site having a minimum of two acres.

22. Riding academies, public stables, or private stables.
23. Rooming, boarding and lodging houses.
24. Temporary buildings for use as a sales or rental office for an approved real estate development or subdivision, the time period to be determined by the Board of Appeals.
25. A determination, in cases of uncertainty, of the district classification of any use not specifically named in these regulations, provided, however, that such use shall be in keeping with uses specifically permitted in the districts in which such use is to be classified
26. Community redevelopment project.

Section 3. Procedures, Preliminary Site Plan Required

A preliminary site plan complying with the requirements of Article 14 shall accompany an application for approval of a conditional use under this article, together with such information as may be required for a determination of the nature of the proposed use and its effect on the Comprehensive Plan, the neighborhood, and surrounding properties. Procedures for approval of a conditional use, and approval and amendment of site plans, are contained in Article 14.

Section 4. Approval Valid One Year

Approval of a conditional use under this article shall be valid for a period of one year after the date of approval, and thereafter shall become null and void unless construction or use is substantially underway during said one-year period, or unless an extension of time, not exceeding one year, is approved by the Planning Commission and for good cause shown, before the expiration of said one-year period.

Section 5. Existing Conditional Uses

Any conditional use listed in Section 2 above, legally existing at the effective date of the regulations of this article, shall be considered a nonconforming use unless it has qualified as provided above and has been approved as a conditional use by the Mayor and Council.

Section 6. Revocation of Permits

Permits issued under a conditional use approval may be revoked by the Administrator for failure to comply with conditions of approval or applicable regulations.

ARTICLE 10. SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS

The regulations set forth in this article qualify or supplement the district regulations appearing elsewhere in this ordinance.

Section 1. Mixed Uses, Height, Area, and Bulk Requirements

1. Where more than 25 percent of the total floor area of any building in a commercial district, except C-1 or C-2 District, is used for dwelling purposes, in a building which may also contain nonresidential uses, the minimum height, area, and bulk requirements for residential development applicable in the district in which such building is located shall apply, subject to the side yard modification for mixed uses contained elsewhere in this article. Where 25 percent or less of the total floor area of such building is used for dwelling purposes, the building shall be subject to the height, area, and bulk requirements applicable to nonresidential buildings in the district.
2. In the C-2 Commercial District, residential and professional offices (including medical) uses shall be considered accessory uses, regardless of the percent of building occupied, provided the entire first floor, excepting entry ways and vestibules, in a permitted commercial use as specified in Article 5, Section 9.2. Setbacks and yard requirements shall be those of the commercial use, provided the appropriate building codes are adhered to in designing and constructing of the residential areas.

Section 2. Modification of Height Regulations

1. Except within an area defined as an Airport Approach Zone by the Federal Aviation Agency, the height limitations of this Ordinance shall not apply to:

Belfries

Public monuments

Chimneys

Church spires

Conveyors	Commercial radio and television towers less than 125 feet in height
Cooling towers	
Elevator bulkheads	Silos
Fire towers	Smoke stacks
Flag poles	Stage towers or scenery lofts
Ornamental towers and spires	Tanks
Water towers and Stand pipes	

2. Except within an area defined as an Airport Approach Zone by the Federal Aviation Agency, public, semipublic, and public service buildings, hospitals, institutions, and schools, when permitted in a district, may be erected to a height not exceeding 60 feet, and churches and temples may be erected to a height not exceeding 75 feet, when the required side and rear yards are each increased by at least one foot for each one foot of additional building height above the height regulations for the district in which the building is located.
3. Notwithstanding any other provisions of this Ordinance, no places of public assembly, including, but without limitation, schools, churches, hospitals, theatres, and assembly halls, shall be erected or otherwise located within any area which would be classified as an Airport Approach Zone within a distance of 11,000 feet from the end of any airport runway.

Section 3. Lot Area

1. If the owner of a lot in any district does not own a parcel or tract of land immediately adjacent to such lot, and if the deed or instrument under which such owner acquired title to such lot was

of record prior to the application of any zoning regulations and restrictions to the premises, and if such lot does not conform to the requirements of such regulations and restrictions as to width of lots and lot area per family, the provisions of such lot area per family and lot width regulations and restrictions shall not prevent the owner of such lot from erecting a single-family dwelling or making other improvements on the lot, provided that such improvements conform in all other respects to applicable zoning regulations and restrictions.

2. Requirements for lot area per family do not apply to dormitories, fraternities, sororities, and other similar living quarters which are accessory to a permitted use and which have no cooking facilities in individual rooms or apartments.
3. Requirements for lot area per family do not apply to rental units in a hotel, motel, motor lodge, or tourist home, or to rooms in a rooming, boarding, or lodging house.

Section 4. Yards and Open Space Generally

1. Whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required yard.
2. Where these regulations refer to side streets, the Administrator shall be guided by the pattern of development in the vicinity of the lot in question in determining which of two streets is the side street.
3. Every part of a required yard shall be open to the sky, except as authorized by this article, and excepting ordinary projections of sills, belt courses, window air conditioning units, chimneys, cornices, and ornamental features, which may project to a distance not to exceed 24 inches into a required yard.

4. More than one main building may be located upon a lot or tract in the following instances:
 - (a) Institutional buildings.
 - (b) Public or semi-public buildings.
 - (c) Multiple-family dwellings.
 - (d) Commercial or industrial buildings.
 - (e) Homes for the aged.

The provisions of this exception shall not be construed to allow the location or erection of any building or portion of a building outside of the buildable area of the lot.

5. In the event that a lot may be occupied by a group of two or more related buildings to be used for residential purposes, there may be more than one main building on the lot when such buildings are arranged around a court, provided that said court, between buildings that are parallel, shall have a minimum width of 30 feet for one-story buildings, 40 feet for two-story buildings, and 50 feet for buildings of three stories or more, and in no case may such buildings be closer to each other than 15 feet.
6. Where a court is more than 50 percent surrounded by a building, the minimum width of the court shall be at least 30 feet for one-story buildings, 40 feet for two-story buildings, and 50 feet for three-story buildings.

Section 5. Front Yards

1. Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, the depth of a front or side yard shall be measured from such official line to the nearest line of the building.

2. On through lots, the required depth of a front yard shall be provided on each street.
3. Open, unenclosed porches, platforms, or paved terraces, not covered by a roof or canopy and which do not extend above the level of the first floor of the building, may extend or project into the front or side yard not more than six feet.
4. Where 25 percent or more of the street frontage, or where 25 percent or more of the street frontage within 400 feet of the property in question, is improved with buildings that have a front yard (with a variation of six feet or less) that is greater or less than the required front yard in the district, no building shall project beyond the average front yard so established, provided, however, that a depth of front yard of more than 50 percent in excess of the depth of the required front yard in the district in which the lot is located shall not be required. Where 40 percent or more of the street frontage is improved with buildings that have no front yard, no front yard shall be required for the remainder of the street frontage.

Section 6. Side Yards

1. On a corner lot in any district, the side yard width adjacent to the side street shall be at least equal to the minimum front yard depth required for the district, provided, however, that the buildable width of a lot of record at the time of passage of this Ordinance shall not be reduced to less than 28 feet.
2. Where a building in a commercial district is subject to the height, area, and bulk requirements applicable to residential development under Section 1 of this Article, the side yard requirements for residential development shall be applied only to the lowest floor which contains more than 25 percent of its area used for

dwelling purposes. All floors shall be subject to side yards required by these regulations for commercial buildings adjacent to residential districts.

3. For the purpose of the side yard regulations, a group of business or industrial buildings separated by common or party walls shall be considered as one building occupying one lot.
4. The minimum width of side yards for schools, libraries, churches, community houses, and other public and semi-public buildings in residential districts shall be 25 feet, except where a side yard is adjacent to a business or industrial district, in which case, the width of that yard shall be as required in the chart of Article 5 for the district in which the building is located.

Section 7. Rear Yards

Open or lattice-enclosed fire escapes, outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues, may project into the required rear yard for a distance of not more than five feet, but only where the same are so placed as not to obstruct light and ventilation.

Section 8. Corner Visibility

No sign, fence, wall, hedge, planting, or other obstruction to vision, extending to a height in excess of three feet above the established street grade, shall be erected, planted, or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points 20 feet distant from the intersection of the street lines.

Section 9. Accessory Buildings and Structures

1. Except as herein provided, no accessory building shall project beyond a required front yard line along any street.

2. Filling station pumps and pump islands may occupy the required yards, provided, however, that they are not less than 15 feet from street lines.
3. An ornamental fence or wall not more than three and one-half feet in height may project into or enclose any required front or side yard to a depth from the street line equal to the required depth of the front yard. Ornamental fences or walls may project into or enclose other required yards, provided such fences and walls do not exceed a height of seven feet.
4. Accessory swimming pools, open and unenclosed, may occupy a required rear or side yard, provided that they are not located closer than six feet to a rear lot line or ten feet to an interior side lot line. A walk space at least three feet wide shall be provided between pool walls and protective fences or barrier walls. Every swimming pool shall be protected by a safety fence or barrier approved by the Administrator.
5. Permitted accessory storage of a boat, boat trailer, or camp trailer shall not be conducted in front yard.
6. Accessory buildings which are not a part of the main building, although they may be connected by an open breezeway, may be constructed in a rear yard, provided that such accessory building does not occupy more than 30 percent of the area of the required rear yard and provided it is not located closer than five feet to the rear lot line nor closer than three feet to a side lot line.

Section 10. Special Regulations for Two-Family Dwellings
and Town Houses

1. Each dwelling unit of a two-family dwelling must comply with the minimum lot area per dwelling unit specified in the Table of District Regulations of Article 5.

2. The dwelling units and individual lots of a two-family dwelling or town house may be sold separately if separate utilities systems are provided and if separate lots for all dwelling units in a building are created at the same time and in conformance with the applicable regulations and standards governing the subdivision of land.
3. The following regulations shall apply to town houses in any district where town houses are permitted:
 - (a) The town house building shall comply with minimum lot requirements contained in the Table of District Regulations of Article 5, but each dwelling unit of a town house building need not be located on a lot complying with minimum lot area per family requirements in the table, provided that the average for all dwelling units in the building equals or exceeds the minimum requirements, and provided that no lot is created with lot area less than 2,000 square feet.
 - (b) Lot frontage, measured at a building line, for individual dwelling units of a town house may be reduced to not less than 18 feet. Lot width for end units shall be adequate to provide required front and side yards.
 - (c) For the purpose of the side yard regulations, a town house building shall be considered as one building on one lot with side yards required for end units only, in accordance with the Table of District Regulations of Article 5. Any side yard adjacent to the line of a lot occupied by a detached single-family dwelling or a lot in a single-family residential district shall not be less than 25 feet.
 - (d) No detached garage or carport or other detached accessory building shall be permitted on a lot

occupied by a town house.

- (e) Unless otherwise restricted by district regulations, not more than eight dwelling units should be included in any one town house building.
- (f) The facades of dwelling units in a town house shall be varied by changed front yards of not less than three feet and variation in materials or design, so that no more than three abutting units will have the same front yard depth or the same or essentially the same architectural treatment of facades and roof lines.
- (g) If non-public areas for the common use and enjoyment of occupants of town houses, but not in individual ownership by such occupants are provided, they shall be maintained in a satisfactory manner without expense to the general public. The Planning Commission shall seek any advice necessary to insure compliance with this provision.
- (h) Required off-street parking space of one and one-half spaces per dwelling unit may be provided on the lot or within 150 feet of the lot.
- (i) A site plan complying with the requirements of Article 14 shall accompany an application for approval of a town house development.

ARTICLE 11. NONCONFORMING USES

Section 1. Nonconforming Use of Land and Buildings

Except as otherwise provided herein, the use of land or buildings existing on January 1, 1974 may be continued although such use does not conform to the provisions hereof, and subject to the provisions of Section 9 of this Article. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use of land or building has been changed to a more restricted nonconforming use, such use shall not thereafter be changed to a less restricted use. The nonconforming use of a building may be hereafter extended throughout those parts of a building, which were manifestly arranged or designed for such use at the time of the enactment of this Ordinance.

Section 2. Nonconforming Signs

Where any sign does not comply with the provisions of this Ordinance, such sign and any supporting structures may be maintained, but shall not be replaced, reconstructed, moved, structurally altered, repainted, or relighted except in compliance with the provisions of this Ordinance, and may continue in use until December 31, 1976, subject to removal earlier under other provisions of this Ordinance. Removal, replacement, reconstruction, moving, or structural alteration for any cause whatsoever shall be considered as loss of nonconforming status. Supporting structures for nonconforming signs may continue in use for a conforming sign if said supporting structures comply in all respects to the applicable requirements of these regulations and other codes and ordinances. No permits for additional signs shall be issued for any premises on which there are any nonconforming signs.

Section 3. Discontinuance of Nonconforming Uses

No building or portion thereof, used in whole or in part for a nonconforming use in a residential district, which remains idle or unused for a continuous period of two years, whether or not the equipment or fixtures are removed, shall again be used except in conformity with

the regulations of the district in which such building or land is located.

Section 4. Destruction of a Nonconforming Use

No building which has been damaged by any cause whatsoever, to the extent of more than 50 percent of the fair market value of the building immediately prior to damage, shall be restored except in conformity with the regulations of this Ordinance, and all rights as a nonconforming use shall be terminated. If a building is damaged by less than 50 percent of the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided that such repairs or reconstruction be substantially completed within twelve months of the date of such damage.

Section 5. Intermittent Use

The casual, intermittent, temporary, or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use, and the existence of a nonconforming use on a part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

Section 6. Existence of a Nonconforming Use

Whether a nonconforming use exists shall be a question of fact and in cases of a dispute between the property owner and the Planning Commission, the question of the classification of use shall be decided by the Board of Appeals after public notice and hearing and in accordance with the rules of the Board.

Section 7. Buildings Nonconforming in Height, Area or Bulk

A building nonconforming only as to height, area, or bulk requirements may be altered or extended, provided such alteration or extension does not increase the degree of nonconformity in any respect.

Section 8. Nonconforming Dwellings in Industrial Districts

A dwelling nonconforming as to use in an industrial district shall be considered as a conforming use in application of the height, area, and bulk requirements of this Ordinance.

Section 9. Certification of Nonconforming Uses, Signs,
Land or Structures

A certificate of nonconforming status shall be required for all nonconforming uses and signs. Application for a certificate of any nonconforming use shall be filed with the Administrator within 12 months from the effective date of adoption of this Ordinance by the owner or his agent.

Section 10. Uses Shall be Terminated

Certain nonconformities shall be terminated in accordance with the following provisions:

1. Within not more than two (2) years from the effective date of this Ordinance or amendment of this Ordinance by which use becomes nonconforming, the right to maintain any nonconforming junkyard shall terminate and such nonconformity shall no longer be operated or maintained and must be removed.
2. Within not more than two (2) years from the effective date of this Ordinance or Amendment of this Ordinance, all nonconforming signs shall be removed (See Article 11, Section 2. Nonconforming Signs).

ARTICLE 12. THE BOARD OF APPEALS

Section 1. Organization

The Board of Appeals is hereby created. The Board shall consist of three members. The members shall be appointed by the Mayor and confirmed by the Town Council, and they shall be removable for cause, upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Of the members first appointed, one shall be appointed for a term of one year, one for a term of two years, and one for a term of three years. Thereafter, members shall be appointed for terms of three years each. The Mayor and Council shall designate one alternate member for the Board, who may be empowered to sit on the Board in the absence of any member of the Board; when the alternate is absent, the Mayor and Council may designate a temporary alternate.

The Board shall adopt rules for the conduct of its business, such rules to be made available to the public. For the conduct of any hearing, a quorum shall be not less than two members, and an affirmative vote of two members of the Board shall be required to overrule any decision, ruling, or determination of the official charged with enforcement of this Ordinance, or to approve any special exception or variance. All meetings of the Board shall be open to the public.

Section 2. Procedure

Applications for special exceptions, interpretations, and variances may be made by any property owner, tenant, government official, department, board, or bureau. Such application shall be made to the Administrator, in accordance with rules adopted by the Board. The application and accompanying maps, plans, or other information shall be transmitted promptly to the Secretary of the Board, who shall place the matter on the docket, advertise a public hearing thereon, and give written notice of such hearing to the parties in interest. The Administrator shall also transmit a copy of the application to the Planning Commission, which may send a recommendation to the Board or appear as a party at the hearing.

An appeal to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau

of the Town affected by any decision of the Administrator. Such appeal shall be taken within thirty (30) days after the decision appealed from, by filing with the Administrator, and with the Board, a notice of appeal specifying the grounds thereof. The Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrator certifies to the Board that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Board or by a court of record, on application and on notice to the Administrator and on due cause shown.

The Board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within sixty days following the hearing. Upon the hearing, any party may appear in person or by agent or by attorney. Public notice of hearing shall consist of publication at least fifteen (15) days prior to the hearing in a newspaper of general circulation in the Town, specifying the time, place, and nature of the hearing. In addition, the Board shall cause the date, time, place, and nature of the hearing to be posted conspicuously on the property in accordance with the rules of the Board. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Administrator.

The Board shall keep minutes of its proceedings and other official actions, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Board and shall be a public record. The Chairman of the Board, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses.

Section 3. Powers

The Board of Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the administration or enforcement of this Ordinance, and/or Chester-town Ordinance, Article 21, paragraph 3, Establishment of Historic Area Zoning.
2. To hear and decide on applications for special exceptions and conditional use recommendations of the Planning Commission upon which the Board is specifically authorized to pass under this Ordinance.
3. To authorize, upon appeal in specific cases, such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, the enforcement of the provisions of this Ordinance will result in unwarranted hardship and injustice, but which will most nearly accomplish the purpose and intent of this Ordinance.
4. To hear and decide applications for interpretation of the Zoning District Map where there is any uncertainty as to the location of a district boundary.

Section 4. Special Exceptions

In order to provide for adjustments in the relative location of uses and buildings of the same or different classifications, to promote the usefulness of these regulations as instruments for fact-finding, interpretation, application, and adjustment, and to supply the necessary elasticity to their efficient operation, special use exceptions and, limited as to location and especially in locations described in this article, special yard and height exceptions are permitted by the terms of these regulations. The following buildings and uses are

permitted as special exceptions if the Board finds that, in its opinion, as a matter of fact, such exceptions will not substantially affect adversely the uses of adjacent and neighboring property.

4.1 Special Use

Exceptions to parking and loading requirements as follows:

1. Location of off-street parking areas on property adjacent to or at a reasonable distance from the premises on which parking areas are required by the parking regulations of Article 7, where practical difficulties, including the acquisition of property, or undue hardships are encountered in locating such parking areas on the premises, and where the purpose of these regulations to relieve congestion in the streets would best be served by permitting such parking off the premises.
2. Nurseries for growing of plants, trees, and shrubs, including a building for sale of products produced on the premises.
3. Private garages for more than four automobiles or with floor area of more than 900 square feet in a residential district.

4.2 Special Yard Exceptions

1. An exception in the yard regulations on a lot where, on the adjacent lot, there is a front, side, or rear yard that does not conform with such yard regulations in a way similar to the exception applied for, but not in cases where granting such exception would result in encroachment upon an existing or proposed right-of-way.
2. An exception in the depth of a rear yard on a lot, in a block where there are nonconforming rear yards, provided the depth of the rear yard is not less than the least in the block.

3. An exception where there are irregularities in depths of existing front yards on a street frontage on the side of a street between two intersecting streets, so that any one of the existing depths shall, for a building hereafter constructed or extended, be the required minimum front yard depth.

4.3 Special Height Exceptions

1. An exception to the height regulations in the LI-1 Limited Industrial and LI-2 Light Industrial Districts.
2. An exception to the height limit of 125 feet for radio or television broadcasting stations or towers, provided that construction and safety features are approved by the Administrator in accord with applicable regulations and provided that no hazard is created in an Airport Approach Zone.

Section 5. Variances

Subject to the provisions of Section 3 of this article, the Board shall have the power to grant the following variances:

1. A variation in the yard requirements in any district so as to relieve practical difficulties or particular hardships in cases, when and where, by reason of exceptional narrowness, shallowness, or other unusual characteristic of size or shape of a specific piece of property, at the time of the enactment of such regulation or restriction, or by reason of exceptional topographical conditions or other extraordinary situation or condition of such piece of property, or by reason of the use or development of property immediately adjacent thereto, the strict application of each regulation or restriction would result in peculiar and exceptional practical difficulties to, or exceptional hardship upon, the owner of such property. Such grant of variance shall comply, as nearly as possible,

in every respect with the spirit, intent, and purpose of this Ordinance, it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable and exceptional hardship, as distinguished from variations sought by applicants for purposes or reasons of convenience, profit, or caprice.

No such variance shall be authorized by the Board unless it finds:

1. That the strict application of the Ordinance would produce unwarranted hardship.
2. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
3. That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance.

Section 6. Conditions Attached to Approvals

Where, in these regulations, special exceptions are permitted, provided they are approved by the Board, and where the Board is authorized to decide appeals or approve certain uses, and where the Board is authorized to approve variances, such approval, decision, or authorization shall be limited by such conditions as the case may require, including the imposition of any of the following specifications:

1. No outside signs or advertising structures except professional or directional signs.

2. Limitation of signs as to size, type, color, location, or illumination.
3. Amount, direction, and location of outdoor lighting.
4. Amount and location of off-street parking and loading space.
5. Cleaning or painting of buildings or structures.
6. Gable roof or other roof type.
7. Building construction and materials.
8. Building connected or disconnected with other buildings.
9. Exits or entrances, doors, and windows.
10. Paving, shrubbery, landscaping, or ornamental or screening fences, walls, or hedges.
11. Time of day or night for operating.
12. Prohibition against store fronts.
13. Prohibition against structural changes.
14. Control or elimination of smoke, dust, gas, noise, or vibration caused by operations.
15. Requirements for termination of a use, based on lapse of time or such other conditions as the Board may specify.
16. Such other conditions as are necessary.

Section 7. Lapse of Special Exception or Variance

After the Board of Appeals has approved a special exception or granted a variance, the special exception or variance so approved or granted shall lapse after the expiration of one year if no substantial construction or change of use has taken place in accordance with the

plans for which such special exception or variance was granted, or if the Board does not specify some longer period than one year for good cause shown, and the provisions of these regulations shall thereafter govern.

Section 8. Amendment of Special Exception or Variance

The procedure for amendment of a special exception or variance already approved, or a request for a change of conditions attached to an approval, shall be the same as for a new application, except that, where the Administrator determines the change to be minor relative to the original approval, he may transmit the same to the Board with the original record without requiring that a new application be filed.

Section 9. Appeals to Courts

Appeals to courts from a decision of the Board may be filed in the manner prescribed by law.

ARTICLE 13. DEFINITIONS

Section 1. General Rules of Construction

The following general rules of construction shall apply to the regulations of this Ordinance:

1. The singular number includes the plural and the plural the singular, unless the context clearly indicates the contrary.
2. Words used in the present tense include the past and future tenses, and the future the present.
3. The word "shall" is always mandatory. The word "may" is permissive.
4. The word "building" or "structure" includes any part thereof, and the word "building" includes the word "structure."
5. Words and terms not defined herein shall be interpreted in accord with their normal dictionary meaning and customary usage.

Section 2. Definitions

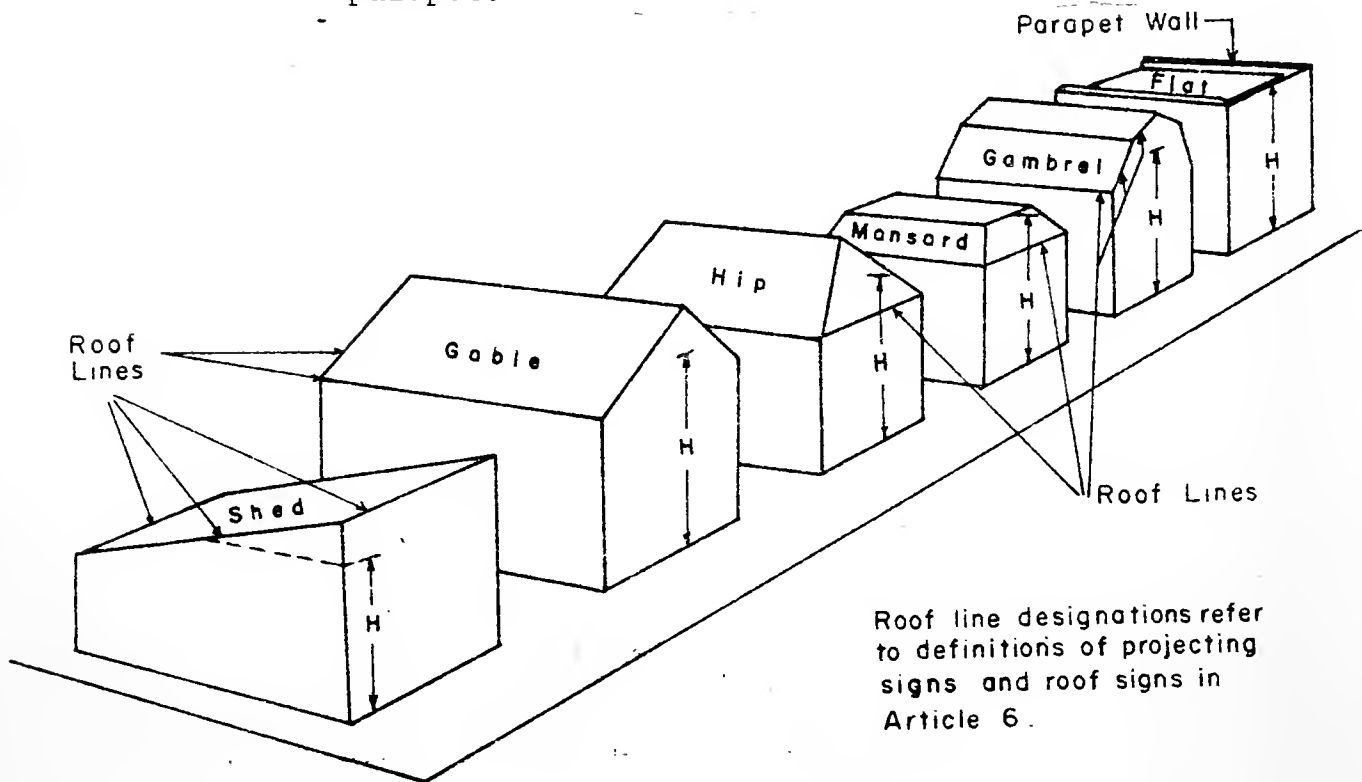
For the purpose of this Ordinance, certain terms and words are hereby defined:

1. Accessory Building. An accessory building is a subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this Ordinance) located on the same lot as the main building or principal use of the land.
2. Accessory Use. An accessory use is one which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this Ordinance) is located on the same lot as the principle use of the premises. When the term

"accessory" is used in this Ordinance, it shall have the same meaning as "Accessory Use".

3. Administrator. The Zoning Administrator of Chestertown.
4. Aggregate Area or Width. The sum of two or more designated areas or widths to be measured, limited, or determined under the provisions of this Ordinance.
5. Alley. A narrow public thoroughfare which provides only a secondary means of access to abutting properties and is not intended for general traffic circulation.
6. Apartment. A part of a building containing cooking and housekeeping facilities, consisting of a room or suite of rooms intended, designed, and used as a residence by an individual or a single family.
7. Apartment House. Same as "Dwelling, Multiple-Family".
8. Arterial Street. A street so designated on the Major Thoroughfare Plan of Chestertown.
9. Basement. That portion of a building between the floor and ceiling which is wholly or partly below grade and having more than one-half of its height below grade.
10. Board. The Board of Appeals of Chestertown.
11. Boarding House. Same as Rooming House.
12. Buildable Area. The area of that part of the lot not included within the yards or open spaces herein required.
13. Buildable Width. The width of that part of a lot not included within the open spaces herein required.

14. Building. Any structure having a roof supported by columns or walls for the housing or enclosure of persons or property of any kind.
15. Building, Completely Enclosed. Any building having no outside openings other than ordinary doors, windows, and ventilators.
16. Building, Height Of. The vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line or highest point of coping or parapet of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, shed, and gambrel roofs. When the highest wall of a building with a shed roof is within 30 feet of a street, the height of such building shall be measured to the highest point of coping or parapet.



17. Bulk. A term used in this Ordinance to describe the size and shape of a building or structure and its relationship to other buildings, to the lot area for a building, and to open spaces and yards.
18. Business District. See District, Commercial.
19. Canopy. A detachable, rooflike cover, supported from the ground, or deck, floor, or walls of a building, for protection from sun or weather.
20. Clinic. A building or portion thereof designed for, constructed or under construction or alteration for, or used by two or more physicians, surgeons, dentists, psychiatrists, physiotherapists, or practitioners in related specialties, or a combination of persons in these professions, but not including lodging of patients overnight.
21. Club, Private. Buildings and facilities owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, but not primarily for profit which inures to any individual and not primarily to render a service which is customarily carried on as a business.
22. Convalescent Home. A building where regular nursing care is provided for more than one person not a member of the family which resides on the premises.
23. Court. An open space which may or may not have direct street access and around which is arranged a single building or a group of related buildings.
24. District. Any section of Chestertown in which the zoning regulations are uniform.
25. District, Commercial. Any district designated in these regulations as a business or commercial district or special commercial district under

Articles 3 or 5 of this Ordinance or containing the words, "Business" or "Commercial" in its title.

26. District, Industrial. Any district designated in this Ordinance as an industrial district under Articles 3 or 5 or containing the word "Industrial" in its title.
27. District, Residential. Any district designated in this Ordinance as a residential district under Articles 3 or 5 of this Ordinance.
28. Dog Kennel, Commercial. The keeping of any dog or dogs, regardless of number, for sale, breeding, boarding or treatment purposes, except in an animal hospital, dog beauty parlor, or pet shop, as permitted by these regulations, or the keeping of five or more dogs, six months or older, for any purpose.
29. Drive-In. A term used to describe an establishment designed or operated to serve a patron while seated in an automobile parked in an off-street parking space.
30. Dwelling. A building or portion thereof, designed or used exclusively for residential occupancy, but not including trailers, mobile homes, hotels, motels, motor lodges, boarding and lodging houses, tourist courts, or tourist homes.
31. Dwelling, Single-Family. A building designed for or occupied exclusively by one family.
32. Dwelling, Two-Family. A building designed for or occupied exclusively by two families living independently of each other.
33. Dwelling, Multiple-Family. A building designed for or occupied exclusively by three or more families living independently of each other.
34. Dwelling Unit. A room or group of rooms occupied or intended to be occupied as separate living quarters by a single family or other group of persons living together as a household or by a person living alone.

35. Family. An individual or two or more persons who are related by blood or marriage living together and occupying a single housekeeping unit with single culinary facilities, or a group of not more than four (4) persons living together by joint agreement and occupying a single housekeeping unit with single culinary facilities on a non-profit, cost-sharing basis. Domestic servants, employed and residing on the premises, shall be considered as part of the family.
36. Filling Station. Any building, structure, or land used for the sale at retail, of motor vehicle fuels, lubricants, or accessories, or for the servicing of automobiles or repairing of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair, or spray painting.
37. Floor Area
- a. Commercial, business, and industrial buildings, or buildings containing mixed uses: the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings but not including: (1) attic space providing headroom of less than seven feet; (2) basement space not used for retailing; (3) uncovered steps or fire escapes; (4) accessory water towers or cooling towers; (5) accessory off-street parking spaces; and (6) accessory off-street loading spaces.
 - b. Residential buildings: the sum of the gross horizontal areas of the several floors of a dwelling, exclusive of garages, basements, and open porches, measured from the exterior faces of the exterior walls.

38. Frontage.

- a. Street Frontage: all of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.
- b. Lot frontage: the distance for which the front boundary line of the lot and the street line are coincident.

39. Garage, Private. A garage used for storage purposes only and having a capacity of not more than four (4) automobiles or not more than two (2) automobiles per family housed in the building to which the garage is accessory, whichever is the greater. Space therein may be used for not more than one commercial vehicle and that one of not more than one ton capacity, and space may be rented for not more than two vehicles to persons other than occupants of the buildings to which such garage is accessory.

40. Grade. Grade elevation shall be determined by averaging the elevations of the finished ground at all the corners and/or other principal points in the perimeter wall of the building.

41. Guest House. Living quarters within a detached accessory building located on the same premises with the main building for use by temporary guests of the occupants of the premises, such quarters having no kitchen facilities or separate utility meters, and not rented or otherwise used as a separate dwelling.

42. Home Occupation. Any occupation or activity which is clearly incidental and secondary to use of the premises for dwelling purposes and which is carried on by a member of a family

residing on the premises, and in connection with which there is no display or storage of materials or generation of substantial volumes of vehicular or pedestrian traffic or parking demand or other exterior indication of the home occupation or variation from the residential character of the building, and in connection with which no person outside the resident family is employed and no equipment used which creates offensive noise, vibration, smoke, dust, odor, heat, or glare. Within the above requirements, a home occupation includes, but is not limited to, the following: (2) art studio; (b) dressmaking; (c) professional office of a lawyer, engineer, architect, accountant, salesman, real estate agent, insurance agent, or other similar occupation; (d) teaching, with musical instruction limited to one or two pupils at a time; however, a home occupation shall not be interpreted to include barber shops, beauty parlors, tourist homes, animal hospitals, child care centers, tea rooms, or restaurants.

43. Hospital. A building or group of buildings, having room facilities for overnight patients, used for providing services for the in-patient medical or surgical care of sick or injured humans, and which may include related facilities, central service facilities, and staff offices; provided, however, that such related facility must be incidental and subordinate to the main use and must be an integral part of the hospital operations.
44. Hotel. A building in which lodging or boarding and lodging are provided for more than fifteen persons, primarily transit, or with more than ten guest rooms or rental units offered to the public for compensation. Ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public, in contradistinction to a boarding, rooming, or

lodging house, or an apartment house, which are herein separately defined. A hotel may include restaurants, taverns, club rooms, public banquet halls, ballrooms, and meeting rooms.

45. Junk. Dilapidated automobiles, trucks, tractors, and other such vehicles and parts thereof, dilapidated wagons, trailers, and other kinds of vehicles and parts thereof, scrap building materials, scrap contractor's equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper, excelsior, hair, mattresses, beds or bedding, or any other kind of scrap or waste material which is stored, kept, handled or displayed.
46. Laundromat. A business that provides washing, drying, and/or ironing machines or dry cleaning machines for hire to be used by customers on the premises.
47. Loading Space. A space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks, having minimum area of 540 square feet, minimum width of 12 feet, a minimum depth of 35 feet, and a vertical clearance of at least 14.5 feet.
48. Lodging House. Same as Rooming House.
49. Lot. A parcel of land which may include one or more platted lots, occupied or intended for occupancy by a use permitted in this Ordinance, including one main building together with its accessory buildings, and the yard areas and parking spaces required by this Ordinance, and having its principal frontage upon a street or upon an officially approved place.
50. Lot, Area. The total horizontal area within the lot lines of the lot.

51. Lot, Corner. A lot abutting upon two (2) or more streets at their intersection.
52. Lot, Depth of. The average horizontal distance between the front and rear lot lines.
53. Lot, Interior. A lot other than a corner lot.
54. Lot Line. The boundary line of a lot.
55. Lot, Through (Double Frontage). A lot having a frontage on two (2) approximately parallel streets or places.
56. Lot Width. The horizontal distance between the side lot lines measured at the required front yard line.
57. Major Street or Highway. A street or highway so designated on the Major Thoroughfare Plan of Chestertown.
58. Marina. A place for docking pleasure boats or providing services to pleasure boats and the occupants thereof, including minor servicing and repair to boats while in the water, sale of fuel and supplies, and provision of lodging, food, beverages, and entertainment as accessory uses. A yacht club shall be considered as a marina, but a hotel, motel, or similar use, where docking of boats and provision of services thereto is incidental to other activities, shall not be considered a marina, nor shall boat docks accessory to a multiple dwelling where no boat-related services are rendered.
59. Motel, Tourist Court or Motor Lodge. A building or buildings in which lodging, or boarding and lodging, are provided and offered to the public for compensation. As such, it is open to the public, in contradistinction to a boarding or lodging house, or a multiple dwelling; same as a hotel, except that the buildings are usually designed to serve tourists traveling by automobile,

ingress and egress to rooms need not be through a lobby or office, and parking usually is adjacent to the rooms.

60. Nonconforming Use. A building or land which does not conform with the sign, a height, area, or use regulations of the district in which it is located.
61. Nursing Home. Same as convalescent home.
62. Parking Space Off-Street. An all-weather surfaced area not in a street or alley and having an area of not less than 200 square feet, exclusive of driveways, permanently reserved for the temporary storage of one vehicle and connected with a street or alley by a paved driveway which affords ingress and egress for an automobile without requiring another automobile to be moved.
63. Place. An open, unoccupied space other than a street or alley, permanently reserved as the principal means of access to abutting property.
64. Premises. A lot, together with all buildings and structures thereon.
65. Regulations. The whole body of regulations, text, charts, tables, diagrams, maps, notations, references, and symbols, contained or referred to in this Ordinance.
66. Rental Unit. A dwelling unit intended for rental to transients on a day-to-day or week-to-week basis, but not intended for use or used as a permanent dwelling and not including culinary facilities.
67. Rooming House. A building where, for compensation and by prearrangement for definite periods, lodging, meals, or lodging and meals are provided for three or more persons but containing no more than five guest rooms or rental units.

68. Servants' Quarters. Living quarters within a portion of a main building or in an accessory building located on the same lot with the main building, used for servants employed on the premises, such quarters having no separate utility meters, and not rented or otherwise used as a separate dwelling.
69. Sign. For definitions pertaining to signs, see Article 6.
70. Site Plan. A drawing illustrating a proposed development and prepared in accordance with the specifications of Article 14.
71. Stable, Private. An accessory building, not related to the ordinary operation of a farm, for the housing of not more than four (4) horses or mules owned by a person or persons living on the premises and which horses or mules are not for hire or sale.
72. Stable, Public. Any stable for the housing of horses or mules, operated for remuneration, hire, sale, or stabling, or any stable, not related to the ordinary operation of a farm, with a capacity for more than four (4) horses or mules, whether or not such stable is operated for remuneration, hire, sale, or stabling.
73. Story. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it; or, if there be no floor next above it, then the space between such floor and the ceiling next above it.
74. Story, Half. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space, not more than two-thirds of the floor area is finished for use.

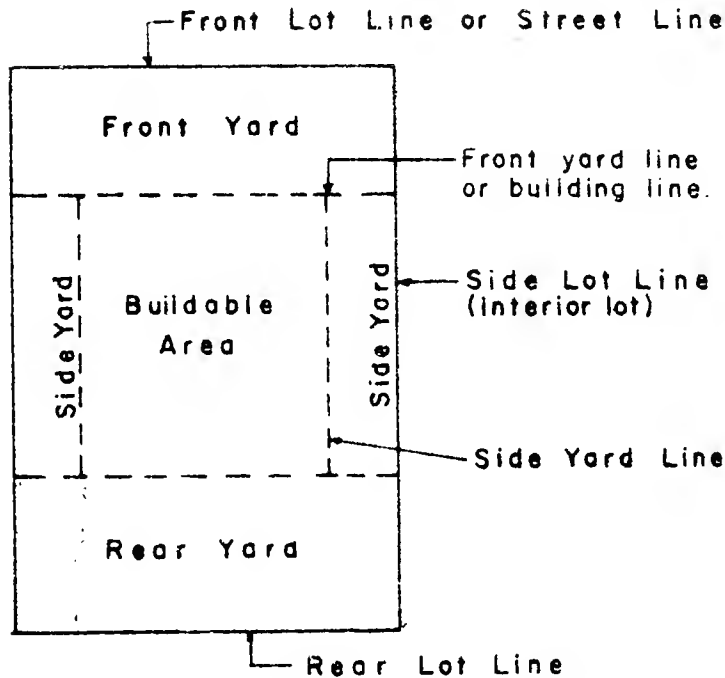
A half-story containing independent apartments for living quarters shall be counted as a full story.

75. Street. A public or private thoroughfare which affords the principal means of access to abutting property.
76. Street Line. A dividing line separating a lot, tract, or parcel of land and a contiguous street.
77. Structural Alterations. Any change in the supporting members of a building, such as footings, bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls, excepting such repair as may be required for the safety of the building.
78. Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, trailers or mobile homes, signs, swimming pools, fences, backstops for tennis courts, and pergolas.
79. Swimming Pool. Any portable pool or permanent structure containing a body of water 18 inches or more in depth and 250 square feet or more of water surface area, intended for recreational purposes, including a wading pool, but not including an ornamental reflecting pool or fish pond or other type of pool, located and designed so as not to create a hazard or be used for swimming or wading.
80. Town House. A single-family dwelling forming one of a group or series of three or more attached single-family dwellings separated from one another by party walls without doors, windows, or other

provisions for human passage or visibility through such walls from basement to roof, and having roofs which may extend from one of the dwelling units to another.

81. Trailer or Mobile Home. Any vehicle, covered or uncovered, used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirtings, and which is, has been, or reasonably may be equipped with wheels or other devices for transporting the vehicle from place to place, whether by motive power or other means. The term "trailer" shall include camp car and house car.
82. Trailer Park, Trailer Court, or Mobile Home Park. Any site, lot, field, or tract of land upon which is located one or more occupied trailers or which is held out for the location of any occupied trailer. The terms shall include any building, structure, vehicle or enclosure for use as a part of the equipment for such park or court.
83. Waterway. Any body of water, including any creek, canal, river, lake, or bay, or any other body of water, natural or artificial, except a swimming pool or ornamental pool located on a single lot.
84. Waterway Line. A line marking the normal division between land and a waterway as established by the Administrator or by Town Ordinances.
85. Unit. A dwelling space designed for and occupied by a single family, consisting of one or more individuals permanently living together and using certain rooms and housekeeping facilities in common. Example: An apartment building may contain a number of dwelling units.

86. Yard. An open space other than a court, on a lot, and unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.



87. Yard, Front. A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projections of uncovered steps, uncovered balconies, terraces, or uncovered porches.
88. Yard, Rear. A yard extending across the rear of the lot between the side lot lines and measured between the rear lot line and the rear of the main building or any projection other than steps,

unenclosed porches or entranceways.

89. Yard, Side. A yard between the main building and the side line of the lot and extending from the front yard to the rear yard and being the minimum horizontal distance between the side lot line and side of the main buildings or any projections thereof.

ARTICLE 14. ADMINISTRATIVE PROVISIONS

Section 1. Changes and Amendments

1.1. Initiation of Change.

The Mayor and Council may, from time to time, amend supplement, or change, by ordinance, the boundaries of the districts or the regulations herein established. Any such amendment may be initiated by resolution of the Mayor and Council, or by motion of the Planning Commission, or by petition of any property owner addressed to the Mayor and Council. Petitions for change or amendment shall be on forms and filed in a manner prescribed by the Planning Commission.

1.2. Report from Planning Commission

Before taking any action on any proposed amendment, supplement, or change, the Mayor and Council shall submit the same to the Planning Commission for its recommendations and report. Failure of the Commission to report within 60 days after the first meeting of the Planning Commission subsequent to the proposal being referred to the Planning Commission shall be deemed approval.

1.3. Notice and Hearings

The Planning Commission may hold a public hearing on any proposed amendment, supplement, or change before submitting its report to the Mayor and Council. If a public hearing is held by the Planning Commission, notice shall be given at least 15 days prior to the hearing by publishing the time, place, and nature of the hearing in a newspaper having general circulation in the Town. In addition, the Commission shall cause the date, time, place, and nature of the hearing to be posted conspicuously on the property, in accordance with the rules of the Commission. The published and posted notices shall contain reference to the place or places within the Town where the plans, ordinances, or amendments may be examined.

Before approving any proposed change or amendment, the Mayor and Council shall hold a public hearing thereon,

notice of said hearing to be accomplished by publication in a newspaper as prescribed above.

1.4. Reconsideration, One Year Limitation

Whenever a petition requesting an amendment, supplement or change has been denied by the Mayor and Council, such petition, or one substantially similar, shall not be reconsidered sooner than one year after the previous denial.

Section 2. Procedures or Approval of Conditional Uses

The procedures for approval of a conditional use are the same as those prescribed for changes and amendments, as set forth in Section 1 of this article, and, in addition, the procedures and requirements for approval of site plans as set forth in this article below, together with applicable laws, regulations, and ordinances governing the subdivision of land.

Section 3. Procedures for Approval of Site Plans for Conditional Uses

Where the provisions of this Ordinance require the submittal of site plans for a conditional use, the following regulations shall apply:

1. Five copies of a preliminary site plan shall be filed with the Board of Appeals. The preliminary site plan shall comply with the requirements of this article, and shall be accompanied by such other written or graphic material as may be necessary or desirable in aiding the decisions of the Board of Appeals.
2. The Planning Commission shall review the site plan for compliance with the requirements of this Ordinance. The Planning Commission may make reasonable additional requirements including, but not limited to, those which may be imposed by the Board of Appeals under Article 12, Section 6, especially requirements as to utilities, drainage, landscaping and maintenance thereof,

lighting, signs, and advertising devices, screening, accessways, curb cuts, traffic control, height of buildings and setback of buildings, necessary to protect adjoining uses. The site plan shall be amended in accordance with the requirements of the Planning Commission before being submitted to the Board of Appeals for its consideration. The Planning Commission shall forward to the Board of Appeals the application for approval of site plan, supporting documents and the site plan, along with the Planning Commission's recommendation.

3. Following approval by the Board of Appeals, a final site plan in the form of a final plat shall be prepared, filed and recorded. This final plat shall comply with the specifications of the Board of Appeals, the requirements of this Article, and applicable laws, regulations, and ordinances governing the subdivision of land. Permits shall be issued in accordance with the approved, filed, and recorded plat.
4. If required by the Board of Appeals, a surety bond shall be filed for or deposited in escrow with the Town, in an amount sufficient to insure completion of such requirements as may be imposed by the Board of Appeals.

Section 4. Site Plan Review Required for Certain Uses

1. For the purpose of assuring a good arrangement and appearance and insuring harmony with the Comprehensive Plan, site plans for the following major uses, not conditional uses or otherwise subject to separate procedures, shall be subject to review by the Planning Commission:
 - a. Multiple-family dwellings containing more than 10 dwelling units or forming a part of a multiple-family development of two or more buildings.

- b. Town houses.
 - c. Hotels, motels, and motor lodges.
 - d. Business buildings, commercial buildings, and industrial buildings, if such buildings are to contain more than 5,000 square feet of floor area.
 - e. Parking lots of five (5) or more spaces.
2. Five copies of a preliminary site plan for the above uses shall be submitted to the Administrator, who shall review the plans for compliance with these regulations and the requirements for preliminary site plans, and he shall transmit said plans to the Planning Commission with his comments for review at the next regular meeting of the Planning Commission, if the plans are submitted ten (10) days prior to said meeting.
3. The Planning Commission shall examine the proposed development with respect to the traffic and circulation patterns, internal and external, relation to major thoroughfares, utilities, drainage, and community facilities, existing or future, the preservation of trees or historic sites, provision for open space, and in general with the objective of insuring a durable, harmonious, and appropriate use of land in accord with the objectives of the Comprehensive Plan. No public hearing shall be required and the plans shall be returned to the applicant within 15 days following the meeting as approved, approved subject to conditions, or disapproved. If specified conditions are met in revised plans, the Administrator may approve minor changes in site plans after approval by the Planning Commission and approve issuance of building permits accordingly, if, in his opinion, such changes do not substantially alter the original approval or conditions attached thereto.

4. Nothing in this section shall be interpreted to permit the granting of a variance or exception to the regulations of this Ordinance or to abridge the procedures or requirements of the laws and ordinances governing the subdivision of land.

Section 5. Requirements of Preliminary Site Plans

The preliminary site plan shall be clearly drawn to a scale as specified below and shall show the following:

1. The proposed title of the project, and the name of the engineer, architect, designer, or landscape architect, and the developer.
2. The northpoint, scale, and date. The scale should be such as to provide legibility without undue size.
3. Existing zoning and zoning district boundaries.
4. The boundaries of the property involved, the municipal boundaries, the general location of all existing easements, property lines, existing streets, buildings, or waterways, and other existing physical features in or adjoining the project.
5. The approximate location and sizes of sanitary and storm sewers, water mains, culverts, and other underground structures in or near the project.
6. Proposed changes in zoning, if any.
7. The general location and character of construction of proposed streets, alleys, driveways, curb cuts, entrances and exits, parking and loading areas (including numbers of parking and loading spaces),

outdoor lighting systems, storm drainage, and sanitary facilities.

8. The general location of proposed lots, setback lines, and easements, and proposed reservations for parks, parkways, playgrounds, school sites, and open spaces.
9. Buildings, their locations, with respect to each other and to lot lines, and approximate height of all proposed buildings and structures, accessory and main, and all major excavations. The location should be drawn to scale but full dimensioning is not required on the preliminary plan.
10. Preliminary plans and elevations of the several dwelling types and other buildings, as may be necessary.
11. General location, height, and material of all fences, walls, screen planting, and landscaping.
12. Proposed location and character of nonresidential uses, commercial or industrial uses, accessory or main.
13. General location, character, size, height, and orientation of proposed signs.
14. A tabulation of total number of acres in the project, gross or net as required in the district regulations, and the percentage thereof proposed to be devoted to the several dwelling types, commercial uses, other non-residential uses, off-street parking, streets, parks, schools, and other reservations.
15. A tabulation of the total number of dwelling units of various types in the project and the overall project density in dwelling units per acre, gross or net as required by district regulations.

The Planning Commission may establish additional requirements for preliminary site plans, and in special cases, may waive a particular requirement if, in its opinion, the inclusion of that requirement is not essential to a proper decision on the project.

Section 6. Requirements for Final Plats

The final plat shall comply with all laws, regulations, and ordinances governing the approval of subdivisions and in addition shall show the following:

1. All of the features required on the preliminary site plan with sufficiently accurate dimensions and construction specifications to support the issuance of construction permits.

Section 7. Amendments and Additions to Site Plans

The procedure for amendment of the boundaries, or for a change in the extent of land use for an approved site plan, shall be the same as for a new application, except that minor amendments of an approved site plan or of the conditions attached to a conditional use or site plan may be approved by the Planning Commission at a regular meeting, after written reports by the Administrator and without a public hearing, provided that such change or amendment:

1. Does not alter a recorded plat,
2. Does not conflict with the specific requirements of this Ordinance,
3. Does not change the general character or content of an approved development plan or use,
4. Applies to an approved condition originating with the Planning Commission and not the Mayor and Council,
5. Has no appreciable effect on adjoining or surrounding property,

6. Does not result in any substantial change of major external access points,
7. Does not increase the approved number of dwelling units or height of buildings, and,
8. Does not decrease the minimum specified yards and open spaces or the minimum specified parking and loading spaces.

Section 8. Certificate of Occupancy

1. No vacant land shall be occupied or used, except for agricultural uses, until a certificate of occupancy shall have been issued by the Administrator.
2. No premises shall be used, and no buildings hereafter erected or structurally altered shall be used, occupied, or changed in use, except for agricultural uses, until a certificate of occupancy and compliance shall have been issued by the Administrator, stating that the building or proposed use of a building or premises complies with the building laws and the provisions of these regulations.
3. Certificates of occupancy and compliance shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection or structural alteration of such buildings shall have been completed in conformity with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Administrator.
4. No permit for excavation for any building shall be issued before a Sediment Control Permit has been obtained.

5. A certificate of occupancy shall be required of all nonconforming uses. Application for a certificate of occupancy for nonconforming uses shall be filed with the Administrator within 12 months from the effective date of this Ordinance.

Section 9. Permits

1. No building shall be erected, constructed, altered, moved, converted, extended, or enlarged, without the owner or owners first having obtained a building permit therefore from the Administrator, and such permit shall require conformity with the provisions of this Ordinance. When issued, such permit shall be valid for a period of six months. All buildings and structures shall comply with the yard and height requirements of this Ordinance whether or not a building permit is required.
2. No building permit by the Administrator, lawfully issued prior to the effective date of this Ordinance or of any amendment hereto, and which permit, by its own terms and provisions, is in full force and effect at said date, shall be invalidated by the passage of this Ordinance or any such amendment, but shall remain a valid and subsisting permit, subject only to its own terms and provisions and ordinances, rules, and regulations pertaining thereto, and in effect at the time of the issuance of such permit, provided, however, that all such permits shall expire not later than 60 days from the effective date of this Ordinance, unless actual construction shall have theretofore begun and continued pursuant to the terms of said permit.

Section 10. Plats

All applications for building permits shall be accompanied by a drawing or plat in duplicate, or as required

by the Administrator showing, with dimensions, the lot lines, the building or buildings, the location of buildings on the lot, and such other information as may be necessary to provide for the enforcement of these regulations, including, if necessary, a boundary survey, a staking of the lot by a competent surveyor, and complete construction plans. The drawings shall contain suitable notations indicating the proposed use of all land and buildings. A careful record of the original copy of such applications and plats shall be kept in the office of the Administrator and a duplicate copy shall be kept at the building at all times during construction.

Section 11. Filing Fees

1. Schedule of fees, charges and expenses shall be established by the Mayor and Council. The Planning Commission may from time to time prepare recommended changes in the fee schedule.
2. The payment of appropriate fee in advance to the Town Clerk shall be deemed a condition precedent to the consideration of such appeal, conditional use permit, or amendment. Fees shall be refunded on request if an application is withdrawn before publication.

Section 12. Interpretation, Purpose, and Conflict

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by other resolutions, ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern. If, because of error or

ommission in the Zoning District Map, any property in the jurisdiction of this Ordinance is not shown as being in a zoning district, the classification of such property shall be classified R-1 Single-Family Residential, until changed by amendment.

Section 13. Enforcement, Violation, and Penalties

1. It shall be the duty of the Administrator to enforce the provisions of this Ordinance, and to refuse to issue any permit for any building or for the use of any premises which would violate any of the provisions of said Ordinance. It shall also be the duty of all officers and employees of the Town to assist the enforcing officer by reporting to him any seeming violation in new construction or reconstruction, or in the use of land or building.
2. In case any building is erected, constructed, reconstructed, altered, repaired, or converted, or any building or land is used in violation of this Ordinance, the Administrator is authorized and directed to institute any appropriate action to put an end to such violation.
3. Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply therewith, or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than One Hundred Dollars (\$100.00), and each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises, or part thereof, where anything in violation of this Ordinance shall be placed, or shall exist, and any architect, builder, contractor, agent, person, or corporation employed

in connection therewith and who have assisted in the commission of any such violation, shall be guilty of a separate offense, and upon conviction thereof, shall be fined as hereinbefore provided.

Section 14. Validity

If any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

Section 15. Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ADOPTED and made effective this 30th day of December, 1974

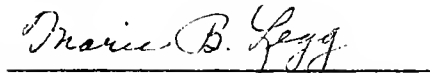
MAYOR AND COUNCIL OF CHESTERTOWN



P. M. Brooks, Jr.

MAYOR

ATTEST:



Marie B. Legg

CLERK

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